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THE LAW REPORTS

1936

THE

PUBLIC GENERAL ACTS

Hart

Passed in
The Twenty-sixth Year of the Reign of His Majesty
King George the Fifth
And the First Year of the Reign of His Majesty
King Edward the Eighth
and the

Church Assembly Measures

Which received the Royal Assent during that Session
with
Tables of the Titles,
Effect of Legislation, and Index

[IN TWO VOLUMES]

VOLUME I

Table of the Titles and
Public General Acts, Chapters 1 to 42

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TABLE I.

A

TABLE

OF

THE TITLES OF THE PUBLIC GENERAL ACTS

PASSED in the FIRST SESSION of the THIRTY-SEVENTH
PARLIAMENT of the UNITED KINGDOM of GREAT
BRITAIN AND NORTHERN IRELAND.

(NOVEMBER 26, 1935—OCTOBER 30, 1936.)

26 GEORGE 5. & 1 EDWARD 8.—A.D. 1935–36.

ROYAL ASSENT, 20TH DECEMBER, 1935.

1. An Act to divide the Government of India Act, 1935, into two portions and to make in the wording thereof certain changes which either are consequential on the division or remove minor errors; to provide for the certification, the deposit with the Rolls of Parliament, and the printing, of the said portions as if they were separate Acts of Parliament; to secure that the said portions have effect in lieu of the said Government of India Act, 1935, as from the date of the passing of that Act; and for purposes connected with the matters aforesaid. (*Government of India* (*Reprinting*).)

ROYAL ASSENT, 2ND AUGUST, 1935.

2. An Act to make further provision for the government of India. (*Government of India*).

3. An Act to make further provision for the government of Burma. (*Government of Burma.*)

ROYAL ASSENT, 20TH DECEMBER, 1935.

4. An Act to continue certain expiring laws. (*Expiring Laws Continuance.*)

5. An Act to grant money for the purpose of certain local loans out of the Local Loans Fund, and for other purposes relating to local loans. (*Public Works Loans.*)

6. An Act to authorise the Treasury to guarantee securities issued in accordance with a certain agreement made on the thirtieth day of November, nineteen hundred and thirty-five, and to exempt the said agreement and certain other agreements from stamp duty. (*Railways* (*Agreement*).)

ROYAL ASSENT, 27TH FEBRUARY, 1936.

7. An Act to extend until a date not later than the thirty-first day of March, nineteen hundred and thirty-six, the period in respect of which grants are to be paid to local authorities out of moneys provided by Parliament under section one of the Unemployment Assistance (Temporary Provisions) (No. 2) Act, 1935. (*Unemployment Assistance* (*Temporary Provisions*) (*Extension*).)

ROYAL ASSENT, 19TH MARCH, 1936.

8. An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-six. (*Consolidated Fund* (*No.* 1).)

9. An Act to extend with amendments certain temporary provisions of the Milk Act, 1934. (*Milk* (*Extension of Temporary Provisions*).)

10. An Act to confirm and give effect to an Agreement made between the Treasury and the Ministry of Finance for Northern Ireland with a view to assimilating the burdens on the Exchequer of the United Kingdom and the Exchequer of Northern Ireland in respect of unemployment. (*Unemployment* (*Northern Ireland Agreement*).)

ROYAL ASSENT, 30TH MARCH, 1936.

11. An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand nine hundred and thirty-five, one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven. (*Consolidated Fund* (*No.* 2).)

ROYAL ASSENT, 9TH APRIL, 1936.

12. An Act to extend by twelve months the period in respect of which subsidies are payable under Part I of the British Shipping (Assistance) Act, 1935; to render eligible for subsidy under that Part of that Act vessels to which that Act applies which are registered at ports in the United Kingdom and which became British ships on or before the first day of January, nineteen hundred and thirty-six; and to provide for the payment of such subsidies and of the expenses of the Board of Trade under the said Part I, in respect of the year nineteen hundred and thirty-six, out of moneys provided by Parliament. (*British Shipping* (*Continuance of Subsidy*).)

13. An Act to include employment in agriculture among the employments which are insurable under the Unemployment Insurance Act, 1935, and to make modifications in the provisions of that Act in their application to such employment, and other consequential modifications in those provisions. (*Unemployment Insurance* (*Agriculture*).)

ROYAL ASSENT, 30TH APRIL, 1936.

14. An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and the Air Force. (*Army and Air Force* (*Annual*).)

ROYAL ASSENT, 21ST MAY, 1936.

15. An Act to make provision for the honour and dignity of the Crown and the Royal Family, and for the payment of certain salaries, allowances and pensions; to enable His Majesty to assent to arrangements on behalf of any son of His Majesty being Duke of Cornwall for the payment of certain sums out of the revenues of the Duchy during the minority of the said Duke; and for purposes connected with the matters aforesaid. (*Civil List.*)

16. An Act to consolidate the provisions of the Coinage Offences Acts, 1861 and 1935, and of the Counterfeit Medal Act, 1883. (*Coinage Offences.*)

17. An Act to empower voluntary hospitals in pursuance of Orders of the Charity Commissioners to provide accommodation and treatment for paying patients. (*Voluntary Hospitals* (*Paying Patients*).)

18. An Act to provide for the establishment of a Sugar Commission; for the amalgamation into a single corporation of companies manufacturing sugar from home-grown beet; for granting financial assistance to that corporation and to the companies aforesaid; and otherwise for the reorganization of the sugar industry. (*Sugar Industry* (*Reorganization*).)

ROYAL ASSENT, 29TH MAY, 1936.

19. An Act to authorise the Treasury to make an agreement with a company to be incorporated by the name of the Special Areas Reconstruction Association Limited and to make payments to the company in accordance with that agreement; and for purposes connected with the matters aforesaid. (*Special Areas Reconstruction* (*Agreement*).)

20. An Act to make better provision for the measurement of electricity supplied by authorised undertakers. (*Electricity Supply* (*Meters*).)

21. An Act to provide for the elimination of redundant spinning machinery in cotton mills in Great Britain by means of a Board having power to acquire property and to borrow and levy money; for the making of certain payments to the said Board out of the Consolidated Fund or moneys provided by Parliament, and the making of certain payments by the said Board to the Exchequer; and for purposes connected with the matters aforesaid. (*Cotton Spinning Industry.*)

ROYAL ASSENT, 14TH JULY, 1936.

22. An Act to carry out certain draft International Conventions relating to the employment of women during the night and to hours of work in automatic sheet-glass works, to amend the law relating to the hours of employment of women holding responsible positions of management who are not ordinarily engaged in manual work, and for purposes connected with the matters aforesaid. (*Hours of Employment* (*Conventions*).)

23. An Act to amend the law in relation to the issue of motor driving licences. (*Road Traffic* (*Driving Licences*).)

24. An Act to make provision for the employment of women and young persons in factories and workshops on a system of shifts, and for purposes connected with the matter aforesaid. (*Employment of Women and Young Persons.*)

25. An Act to amend the Pensions (Governors of Dominions, &c.) Acts, 1911 and 1929. (*Pensions* (*Governors of Dominions, &c.*).)

26. An Act to amend the procedure under the Land Registration Act, 1925, for the making of orders declaring the registration of title to land to be compulsory on sale; to provide for the partial closing of, and otherwise amend the law with respect to, the Middlesex Deeds Registry; to amend subsection (4) of section seventy-five of the Land Registration Act, 1925; to amend the law with respect to the Insurance Fund established under the Land Transfer Act, 1897, and the fees payable under the Land Registration Act, 1925; and for purposes connected with the matters aforesaid. (*Land Registration.*)

27. An Act to make provision with respect to the transfer of petroleum-spirit licences granted under the Petroleum (Consolidation) Act, 1928. (*Petroleum* (*Transfer of Licences*).)

28. An Act to provide for the application of the Shops Acts, 1912 to 1934, to premises and places where the business of lending books or periodicals is carried on for purposes of gain. (*Shops.*)

29. An Act to remove the limitation of His Majesty's power to revoke or amend the Malta Constitution Letters Patent, 1921; to declare the validity of certain Ordinances of the Governor of Malta; and for purposes connected with the matters aforesaid. (*Malta* (*Letters Patent*).)

30. An Act to provide, with certain exceptions, for the compulsory closing of retail meat traders' shops and stalls on Sundays. (*Retail Meat Dealers' Shops* (*Sunday Closing*).)

31. An Act to consolidate the enactments relating to non-contributory Old Age Pensions. (*Old Age Pensions.*)

32. An Act to consolidate the enactments relating to National Health Insurance. (*National Health Insurance.*)

33. An Act to consolidate the enactments relating to Widows', Orphans' and Old Age Contributory Pensions. (*Widows', Orphans' and Old Age Contributory Pensions.*)

ROYAL ASSENT, 16TH JULY, 1936.

34. An Act to grant certain duties of Customs and Inland Revenue (including Excise), to alter other duties, and to amend the law relating to Customs and Inland Revenue (including Excise) and the National Debt, and to make further provision in connection with Finance. (*Finance.*)

35. An Act to amend the enactments relating to solicitors, and for purposes connected therewith. (*Solicitors.*)

36. An Act to make provision with respect to the liability of pilotage authorities and others. (*Pilotage Authorities (Limitation of Liability).*)

ROYAL ASSENT, 31ST JULY, 1936.

37. An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-seven, and to appropriate the Supplies granted in this Session of Parliament. (*Appropriation.*)

38. An Act to amend the Weights and Measures Acts, 1878 to 1926, by making provision with respect to the measuring, sale, and conveyance of sand, ballast and similar materials, and with respect to the discharge of the functions of the Board of Trade; and for purposes connected with the matters aforesaid. (*Weights and Measures.*)

39. An Act to amend the Firearms Act, 1920. and the Firearms Act, 1934, and in connection therewith to amend subsection (2) of section five of the Firearms and Imitation Firearms (Criminal Use) Act, 1933. (*Firearms (Amendment).*)

40. An Act to amend the Midwives Acts, 1902 to 1926. (*Midwives.*)

41. An Act to amend the law with respect to the school leaving age, and attendance at school; to enable local education authorities to make grants to non-provided schools in certain cases, and to amend the law in relation to schools receiving such grants; to amend the law with respect to religious instruction in certain non-provided schools; to amend the law with respect to the age up to which certain provisions of Part II of the Children and Young Persons Act, 1933, have effect; and for purposes connected with the matters aforesaid. (*Education.*)

42. An Act to amend the provisions of the Education (Scotland) Acts, 1872 to 1933, with regard to the age up to which parents are required to provide efficient education for their children and in other respects; and to amend the provisions of Part IV of the Children and Young Persons (Scotland) Act, 1932, with regard to the age up to which those provisions have effect and with regard to the employment of children in entertainments. (*Education (Scotland).*)

43. An Act to extinguish tithe rentcharge and extraordinary tithe rentcharge, and to make provision with respect to the compensation of the owners thereof and rating authorities and to the liabilities of the owners of land charged therewith in respect of the extinguishment thereof; to reduce the rate at which tithe rentcharge is to be payable pending its extinguishment and to make provision with respect to the recovery of arrears thereof; to make provision for the redemption and extinguishment of corn rents and similar payments; and for purposes connected with the matters aforesaid. (*Tithe.*)

44. An Act to amend the law with respect to aviation and matters connected therewith. (*Air Navigation.*)

45. An Act to amend the law with respect to customs in the Isle of Man. (*Isle of Man* (*Customs*).)

46. An Act to extend until the end of July, nineteen hundred and thirty-seven, the period during which cattle or carcases of cattle must have been sold in order that payments in respect thereof may be made out of the Cattle Fund. (*Cattle Industry* (*Emergency Provisions*).)

47. An Act to provide for the vesting in the Commissioners of Works of certain Crown lands in Westminster as a site for public offices and police offices, to amend the law with respect to other Crown lands, to amend the Crown Lands Acts, 1829 to 1927, and the Public Offices (Sites) Act, 1912, and for purposes connected with the matters aforesaid. (*Crown Lands.*)

48. An Act to empower local authorities to advertise health resorts and watering places. (*Health Resorts and Watering Places.*)

49. An Act to consolidate with amendments certain enactments relating to public health. (*Public Health.*)

50. An Act to consolidate certain enactments relating to public health in London. (*Public Health* (*London*).)

51. An Act to consolidate the Housing Acts, 1925 to 1935, and certain other enactments relating to housing. (*Housing.*)

52. An Act to consolidate the enactments relating to the procedure for obtaining parliamentary powers by way of Provisional Orders in matters affecting Scotland. (*Private Legislation Procedure* (*Scotland*).)

53. An Act to restrict the opening of shops and trading on Sunday; and for other purposes connected therewith. (*Shops (Sunday Trading Restriction).*)

54. An Act to amend the Weights and Measures Acts, 1878 to 1926, by making provision with respect to the sale of coal in Scotland, and to repeal certain existing enactments with respect thereto. (*Weights and Measures, Sale of Coal (Scotland).*)

THE

PUBLIC GENERAL STATUTES.

[26 Geo. 5. & 1 Edw. 8.]

CHAPTER 1.

An Act to divide the Government of India Act, 1935, into two portions and to make in the wording thereof certain changes which either are consequential on the division or remove minor errors; to provide for the certification, the deposit with the Rolls of Parliament, and the printing, of the said portions as if they were separate Acts of Parliament; to secure that the said portions have effect in lieu of the said Government of India Act, 1935, as from the date of the passing of that Act; and for purposes connected with the matters aforesaid.

[20th December 1935.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Division of Government of India Act, 1935, into two portions. 25 & 26 Geo. 5. c. 42.

1.—(1) The Clerk of the Parliaments shall forthwith prepare two documents containing respectively—

(*a*) a copy of the provisions of the Government of India Act, 1935, mentioned in Part I of the First Schedule to this Act, with the changes of wording mentioned in Part II of that Schedule;

(*b*) a copy of the provisions of the said Act mentioned in Part I of the Second Schedule to this Act with the changes of wording mentioned in Part II of that Schedule,

and shall certify each of the said documents as if it were a separate Act of the present Session and deposit them with the Rolls of Parliament, and the said documents shall be printed as separate Acts by the Printers to His Majesty as Chapters of the statutes of the present Session distinguished respectively by the two numbers next following the number of the Chapter assigned to this Act.

33 Geo. 3 c. 13. (2) The date to be endorsed on the said documents by the Clerk of the Parliaments under the Acts of Parliament (Commencement) Act, 1793, shall be the second day of August, nineteen hundred and thirty-five (being the date of the passing of the Government of India Act, 1935), and the said documents shall be deemed to be Acts of Parliament which received the Royal Assent on that date, and shall have effect as such and as if the said Government of India Act, 1935, had never been passed, and anything done before the certification of the said documents under any provision of that Act to which a provision of either of the said documents corresponds shall be deemed to have been done under that corresponding provision.

(3) References in any Act or other document, to the Government of India Act, 1935 (not being references contained in this section) shall, in the absence of express provision to the contrary, be construed as references to the document mentioned in paragraph (*a*) of subsection (1) of this section.

Short title. **2.** This Act may be cited as the Government of India (Reprinting) Act, 1935.

SCHEDULES.

FIRST SCHEDULE.

Part I.

Provisions to be reprinted.

The whole Act down to the end of Part XIII;
Part XV;
The first nine Schedules;
The Sixteenth Schedule.

PART II.

1ST SCH —*cont.*

CHANGES OF WORDING.

In subsection (4) of section seventy-one, for the words "of India" there shall be substituted the words "in India."

In subsection (1) of section ninety-five, the words "through the Chief Commissioner" shall be omitted.

In the marginal note to section one hundred and three, for the word "legalise" there shall be substituted the word "legislate."

In subsection (2) of section two hundred and twenty-five, the comma after the word "made" shall be deleted and a comma shall be inserted after the word "except."

In section two hundred and fifty-three, after the words "notwithstanding anything in this Act," in both places where those words occur, there shall be inserted the words "or the Government of Burma Act, 1935,".

In subsection (2) of section two hundred and sixty-four, the first "that" shall be transposed so as to follow "(*a*)".

In subsection (2) of section two hundred and eighty-two, after the words "the operation of this Act" there shall be inserted the words "or the Government of Burma Act, 1935,".

In subsection (5) of section three hundred and eleven, after the words "the provisions of this Act" there shall be inserted the words "or the Government of Burma Act, 1935".

Part XV shall be renumbered Part XIV.

Section four hundred and seventy-seven shall be renumbered section three hundred and twenty, and in subsection (2) thereof the words "and referred to in Part XIV of this Act as the commencement of that Part" shall be omitted.

Section four hundred and seventy-eight shall be renumbered section three hundred and twenty-one; and in it, for the word "Sixteenth" there shall be substituted the word "Tenth," after the words "provisions of this Act" there shall be inserted the words "to the provisions of the Government of Burma Act, 1935," and after the words "under this Act" there shall be added the words "or the Government of Burma Act, 1935."

In the Second Schedule, for the words—

"Part XIII - - - - The whole Part.
Part XIV - - - - „ „ ,"

there shall be substituted the words—

"Part XIII - - - - The whole Part."

1st Sch. —*cont.*

and for the words—

" Eighth Schedule - - -	The whole Schedule.
Ninth Schedule - - -	,, ,,
Tenth Schedule - - -	,, ,,
Eleventh Schedule - - -	,, ,,
Twelfth Schedule	,, ,,
Thirteenth Schedule - -	,, ,,
Fourteenth Schedule - -	,, ,,
Fifteenth Schedule - - -	,, ,,
Sixteenth Schedule - -	,, ,, "

there shall be substituted the words—

" Eighth Schedule - - -	The whole Schedule.
Ninth Schedule - - -	,, ,,
Tenth Schedule - - -	,, ,, "

In subparagraph (2) of paragraph eleven of Part II of the Sixth Schedule, for the words "if they had been made by or on him solely" there shall be substituted the words "if they had been held or made by, or made on, him solely."

In subparagraph (*a*) of paragraph three of Part IX of the Sixth Schedule, the words "in the Province" shall be omitted.

In item 39 of List I in the Seventh Schedule, for the comma after the words "as the case may be" there shall be substituted a semi-colon.

The Sixteenth Schedule shall be renumbered the Tenth Schedule, and the marginal reference to section four hundred and seventy-eight shall be altered so as to be a reference to section three hundred and twenty-one.

SECOND SCHEDULE.

Part I.

Provisions to be reprinted.

Part XIV and the Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth and Fifteenth Schedules.

Part II.

Changes of wording.

At the beginning there shall be inserted the following words:

"An Act to make further provision for the government of Burma.

Be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

PART I.

INTRODUCTORY.

1. This Act may be cited as the Government of Burma Act, 1935." Short title.

and the words—

"PART XIV.

BURMA.

CHAPTER I.

INTRODUCTORY."

shall be omitted.

Throughout the remainder of the provisions to be reprinted :—

(*a*) the sections shall be re-numbered consecutively beginning with the number 2, the Schedules shall be re-numbered I to VI, and references to those sections and Schedules shall be altered accordingly;

(*b*) the chapters shall become Parts, bearing the same numbers as before, and in any reference to any of those chapters, there shall be substituted for the word "chapter," when it is immediately preceded by the word "this," the words "Part of this Act," and when it is immediately preceded by any other word, the word "Part";

(*c*) for the words "this Part of this Act", "this Part of the Act" and "Part XIV of this Act" there shall, except in section four hundred and forty, be substituted the words "this Act";

(*d*) for the words "if this Act had not been passed" there shall be substituted the words "if neither this Act nor the Government of India Act, 1935, had been passed."

In subsection (1) of section three hundred and twenty, after the word "exercisable," where it first occurs, there shall be inserted the words "by him."

In proviso (ii) to subsection (2) of section three hundred and twenty-two, for the words "first section of this chapter" there shall be substituted the words "last preceding section."

In paragraph (*c*) of subsection (2) of section three hundred and ninety-two and in subsection (6) of section four hundred and fifty-one, for the words "by this Act" there shall be substituted the words "by the Government of India Act, 1935,".

2nd Sch. —*cont.*

In subsection (1) of section four hundred and thirty-four, for the words " coming into operation " there shall be substituted the word " commencement."

In section four hundred and thirty-six, for the words " the provisions of this Act relating to India," there shall be substituted the words " the Government of India Act, 1935,".

In section four hundred and forty-six, after the words " so far as consistent with this Act " there shall be inserted the words " and the Government of India Act, 1935,".

In section four hundred and fifty-two, after the words " this Act " there shall be inserted the words " and the Government of India Act, 1935,".

In subsection (1) of section four hundred and seventy-six, after the definition of " British Burma " there shall be inserted the following words :—

> " ' Secretary of State in Council ' means Secretary of State in Council of India ; "

and after the definition of " existing Indian or Burman law " there shall be inserted the following words :—

> ' " goods " includes all materials, commodities and articles ;
>
> " Governor-General in Council " means Governor-General of India in Executive Council.'

In subsection (3) of section four hundred and seventy-six, for the words " Part XII of this Act " there shall be substituted the words " Part XII of the Government of India Act, 1935," and for the words " the provisions of this Act " there shall be substituted the words " the provisions of that Act and this Act."

In subsection (5) of section four hundred and seventy-six, for the words " Part III of this Act " there shall be substituted the words " Part III of the Government of India Act, 1935."

After subsection (5) of section four hundred and seventy-six, there shall be inserted the following subsection :—

> " (6) While any such agreement as is mentioned in section forty-seven of the Government of India Act, 1935, is in force, any reference in this Act to subjects of His Majesty shall be deemed to include a reference to Berari subjects of His Exalted Highness the Nizam of Hyderabad."

At the end of section four hundred and seventy-six there shall be added the following section :—

Commencement.

> " 159. This Act shall, subject to any express provision to the contrary, come into force on such date as His Majesty in Council may appoint under the Government of India Act, 1935, as the date of the commencement of Part III of that Act :

Provided that if it appears to His Majesty in Council that it will not be practicable or convenient that all the provisions of this Act shall come into operation simultaneously on that date, His Majesty in Council may fix an earlier or a later date for the coming into operation, either generally or for particular purposes, of any particular provisions of this Act." 2nd Sch. —*cont.*

In sub-paragraph (1) of paragraph twelve of the Twelfth Schedule, for the words "the Acts repealed by this Act" there shall be substituted the words "the Acts repealed by the Government of India Act, 1935."

CHAPTER 2.

An Act to make further provision for the government of India. [2nd August 1935.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

INTRODUCTORY.

Short title.

1. This Act may be cited as the Government of India Act, 1935.

Government of India by the Crown.

2.—(1) All rights, authority and jurisdiction heretofore belonging to His Majesty the King, Emperor of India, which appertain or are incidental to the government of the territories in India for the time being vested in him, and all rights, authority and jurisdiction exercisable by him in or in relation to any other territories in India, are exercisable by His Majesty, except in so far as may be otherwise provided by or under this Act, or as may be otherwise directed by His Majesty:

Provided that any powers connected with the exercise of the functions of the Crown in its relations with Indian States shall in India, if not exercised by His Majesty, be exercised only by, or by persons acting under the authority of, His Majesty's Representative for the exercise of those functions of the Crown.

PART I. —*cont.*

(2) The said rights, authority and jurisdiction shall include any rights, authority or jurisdiction heretofore exercisable in or in relation to any territories in India by the Secretary of State, the Secretary of State in Council, the Governor-General, the Governor-General in Council, any Governor or any Local Government, whether by delegation from His Majesty or otherwise.

The Governor-General of India and His Majesty's Representative as regards relations with Indian States.

3.—(1) The Governor-General of India is appointed by His Majesty by a Commission under the Royal Sign Manual and has—

(*a*) all such powers and duties as are conferred or imposed on him by or under this Act; and

(*b*) such other powers of His Majesty, not being powers connected with the exercise of the functions of the Crown in its relations with Indian States, as His Majesty may be pleased to assign to him.

(2) His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States is appointed by His Majesty in like manner and has such powers and duties in connection with the exercise of those functions (not being powers or duties conferred or imposed by or under this Act on the Governor-General) as His Majesty may be pleased to assign to him.

(3) It shall be lawful for His Majesty to appoint one person to fill both the said offices.

The Commander-in-Chief in India.

4. There shall be a Commander-in-Chief of His Majesty's Forces in India appointed by Warrant under the Royal Sign Manual.

PART II.

THE FEDERATION OF INDIA.

CHAPTER I.

ESTABLISHMENT OF FEDERATION AND ACCESSION OF INDIAN STATES.

Proclamation of Federation of India.

5.—(1) It shall be lawful for His Majesty, if an address in that behalf has been presented to him by each House of Parliament and if the condition hereinafter mentioned is satisfied, to declare by Proclamation that as from the day therein appointed there shall be united in a Federation under the Crown, by the name of the Federation of India,—

(*a*) the Provinces hereinafter called Governors' Provinces; and

(*b*) the Indian States which have acceded or may thereafter accede to the Federation;

and in the Federation so established there shall be included the Provinces hereinafter called Chief Commissioners' Provinces.

(2) The condition referred to is that States—

(*a*) the Rulers whereof will, in accordance with the provisions contained in Part II of the First Schedule to this Act, be entitled to choose not less than fifty-two members of the Council of State; and

(*b*) the aggregate population whereof, as ascertained in accordance with the said provisions, amounts to at least one-half of the total population of the States as so ascertained,

have acceded to the Federation.

Accession of Indian States.

6.—(1) A State shall be deemed to have acceded to the Federation if His Majesty has signified his acceptance of an Instrument of Accession executed by the Ruler thereof, whereby the Ruler for himself, his heirs and successors—

(*a*) declares that he accedes to the Federation as established under this Act, with the intent that His Majesty the King, the Governor-General of India, the Federal Legislature, the Federal Court and any other Federal authority established for the purposes of the Federation shall, by virtue of his Instrument of Accession, but subject always to the terms thereof, and for the purposes only of the Federation, exercise in relation to his State such functions as may be vested in them by or under this Act; and

(*b*) assumes the obligation of ensuring that due effect is given within his State to the provisions of this Act so far as they are applicable therein by virtue of his Instrument of Accession:

Part II. —*cont.*

Provided that an Instrument of Accession may be executed conditionally on the establishment of the Federation on or before a specified date, and in that case the State shall not be deemed to have acceded to the Federation if the Federation is not established until after that date.

(2) An Instrument of Accession shall specify the matters which the Ruler accepts as matters with respect to which the Federal Legislature may make laws for his State, and the limitations, if any, to which the power of the Federal Legislature to make laws for his State, and the exercise of the executive authority of the Federation in his State, are respectively to be subject.

(3) A Ruler may, by a supplementary Instrument executed by him and accepted by His Majesty, vary the Instrument of Accession of his State by extending the functions which by virtue of that Instrument are exercisable by His Majesty or any Federal Authority in relation to his State.

(4) Nothing in this section shall be construed as requiring His Majesty to accept any Instrument of Accession or supplementary Instrument unless he considers it proper so to do, or as empowering His Majesty to accept any such Instrument if it appears to him that the terms thereof are inconsistent with the scheme of Federation embodied in this Act:

Provided that after the establishment of the Federation, if any Instrument has in fact been accepted by His Majesty, the validity of that Instrument or of any of its provisions shall not be called in question and the provisions of this Act shall, in relation to the State, have effect subject to the provisions of the Instrument.

(5) It shall be a term of every Instrument of Accession that the provisions of this Act mentioned in the Second Schedule thereto may, without affecting the accession of the State, be amended by or by authority of Parliament, but no such amendment shall, unless it is accepted by the Ruler in a supplementary Instrument, be construed as extending the functions which by virtue of the Instrument are exercisable by His Majesty or any Federal Authority in relation to the State.

(6) An Instrument of Accession or supplementary Instrument shall not be valid unless it is executed by the Ruler himself, but, subject as aforesaid, references in this Act to the Ruler of a State include references to any persons for the time being exercising the powers of the Ruler of the State, whether by reason of the Ruler's minority or for any other reason.

(7) After the establishment of the Federation the request of a Ruler that his State may be admitted to the Federation shall be transmitted to His Majesty through the Governor-General, and after the expiration of twenty years from the establishment of the Federation the Governor-General shall not transmit to His Majesty any such request until there has been presented to him by each Chamber of the Federal Legislature, for submission to His Majesty, an address praying that His Majesty may be pleased to admit the State into the Federation.

(8) In this Act a State which has acceded to the Federation is referred to as a Federated State, and the Instrument by virtue of which a State has so acceded, construed together with any supplementary Instrument executed under this section, is referred to as the Instrument of Accession of that State.

(9) As soon as may be after any Instrument of Accession or supplementary Instrument has been accepted by His Majesty under this section, copies of the Instrument and of His Majesty's Acceptance thereof shall be laid before Parliament, and all courts shall take judicial notice of every such Instrument and Acceptance.

CHAPTER II.

The Federal Executive.

The Governor-General.

Functions of Governor-General.

7.—(1) Subject to the provisions of this Act, the executive authority of the Federation shall be exercised on behalf of His Majesty by the Governor-General, either directly or through officers subordinate to him, but nothing in this section shall prevent the Federal Legislature from conferring functions upon subordinate authorities, or be deemed to transfer to the Governor-General any functions conferred by any existing Indian law on

Part II. —*cont.*

any court, judge or officer, or on any local or other authority.

(2) References in this Act to the functions of the Governor-General shall be construed as references to his powers and duties in the exercise of the executive authority of the Federation and to any other powers and duties conferred or imposed on him as Governor-General by or under this Act, other than powers exercisable by him by reason that they have been assigned to him by His Majesty under Part I of this Act.

(3) The provisions of the Third Schedule to this Act shall have effect with respect to the salary and allowances of the Governor-General and the provision to be made for enabling him to discharge conveniently and with dignity the duties of his office.

Extent of executive authority of the Federation.

8.—(1) Subject to the provisions of this Act, the executive authority of the Federation extends—

(*a*) to the matters with respect to which the Federal Legislature has power to make laws;

(*b*) to the raising in British India on behalf of His Majesty of naval, military and air forces and to the governance of His Majesty's forces borne on the Indian establishment;

(*c*) to the exercise of such rights, authority and jurisdiction as are exercisable by His Majesty by treaty, grant, usage, sufferance, or otherwise in and in relation to the tribal areas:

Provided that—

(i) the said authority does not, save as expressly provided in this Act, extend in any Province to matters with respect to which the Provincial Legislature has power to make laws;

(ii) the said authority does not, save as expressly provided in this Act, extend in any Federated State save to matters with respect to which the Federal Legislature has power to make laws for that State, and the exercise thereof in each State shall be subject to such limitations, if any, as may be specified in the Instrument of Accession of the State;

(iii) the said authority does not extend to the enlistment or enrolment in any forces raised in India of any person unless he is either a subject of His Majesty or a native of India or of territories adjacent to India; and

(iv) commissions in any such force shall be granted by His Majesty save in so far as he may be pleased to delegate that power by virtue of the provisions of Part I of this Act or otherwise.

(2) The executive authority of the Ruler of a Federated State shall, notwithstanding anything in this section, continue to be exercisable in that State with respect to matters with respect to which the Federal Legislature has power to make laws for that State except in so far as the executive authority of the Federation becomes exercisable in the State to the exclusion of the executive authority of the Ruler by virtue of a Federal law.

Administration of Federal Affairs.

Council of ministers.

9.—(1) There shall be a council of ministers, not exceeding ten in number, to aid and advise the Governor-General in the exercise of his functions, except in so far as he is by or under this Act required to exercise his functions or any of them in his discretion:

Provided that nothing in this subsection shall be construed as preventing the Governor-General from exercising his individual judgment in any case where by or under this Act he is required so to do.

(2) The Governor-General in his discretion may preside at meetings of the council of ministers.

(3) If any question arises whether any matter is or is not a matter as respects which the Governor-General is by or under this Act required to act in his discretion or to exercise his individual judgment, the decision of the Governor-General in his discretion shall be final, and the validity of anything done by the Governor-General shall not be called in question on the ground that he ought or ought not to have acted in his discretion, or ought or ought not to have exercised his individual judgment.

Part II. —*cont.*

Other provisions as to ministers.

10.—(1) The Governor-General's ministers shall be chosen and summoned by him, shall be sworn as members of the council, and shall hold office during his pleasure.

(2) A minister who for any period of six consecutive months is not a member of either Chamber of the Federal Legislature shall at the expiration of that period cease to be a minister.

(3) The salaries of ministers shall be such as the Federal Legislature may from time to time by Act determine and, until the Federal Legislature so determine, shall be determined by the Governor-General:

Provided that the salary of a minister shall not be varied during his term of office.

(4) The question whether any and, if so, what advice was tendered by ministers to the Governor-General shall not be inquired into in any court.

(5) The functions of the Governor-General with respect to the choosing and summoning and the dismissal of ministers, and with respect to the determination of their salaries, shall be exercised by him in his discretion.

Provisions as to defence, ecclesiastical affairs, external affairs and the tribal areas.

11.—(1) The functions of the Governor-General with respect to defence and ecclesiastical affairs and with respect to external affairs, except the relations between the Federation and any part of His Majesty's dominions, shall be exercised by him in his discretion, and his functions in or in relation to the tribal areas shall be similarly exercised.

(2) To assist him in the exercise of those functions the Governor-General may appoint counsellors, not exceeding three in number, whose salaries and conditions of service shall be such as may be prescribed by His Majesty in Council.

Special responsibilities of Governor-General.

12.—(1) In the exercise of his functions the Governor-General shall have the following special responsibilities, that is to say,—

(*a*) the prevention of any grave menace to the peace or tranquillity of India or any part thereof;

(*b*) the safeguarding of the financial stability and credit of the Federal Government;

(*c*) the safeguarding of the legitimate interests of minorities;

(*d*) the securing to, and to the dependants of, persons who are or have been members of the public services of any rights provided or preserved for them by or under this Act and the safeguarding of their legitimate interests;

(*e*) the securing in the sphere of executive action of the purposes which the provisions of chapter III of Part V of this Act are designed to secure in relation to legislation;

(*f*) the prevention of action which would subject goods of United Kingdom or Burmese origin imported into India to discriminatory or penal treatment;

(*g*) the protection of the rights of any Indian State and the rights and dignity of the Ruler thereof; and

(*h*) the securing that the due discharge of his functions with respect to matters with respect to which he is by or under this Act required to act in his discretion, or to exercise his individual judgment, is not prejudiced or impeded by any course of action taken with respect to any other matter.

(2) If and in so far as any special responsibility of the Governor-General is involved, he shall in the exercise of his functions exercise his individual judgment as to the action to be taken.

Provisions as to Instrument of Instructions.

13.—(1) The Secretary of State shall lay before Parliament the draft of any Instrument of Instructions (including any Instrument amending or revoking an Instrument previously issued) which it is proposed to recommend His Majesty to issue to the Governor-General, and no further proceedings shall be taken in relation thereto except in pursuance of an address presented to His Majesty by both Houses of Parliament praying that the Instrument may be issued.

(2) The validity of anything done by the Governor-General shall not be called in question on the ground that it was done otherwise than in accordance with any Instrument of Instructions issued to him.

Part II. —*cont.*

Superintendence of Secretary of State.

14.—(1) In so far as the Governor-General is by or under this Act required to act in his discretion or to exercise his individual judgment, he shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given to him by, the Secretary of State, but the validity of anything done by the Governor-General shall not be called in question on the ground that it was done otherwise than in accordance with the provisions of this section.

(2) Before giving any directions under this section the Secretary of State shall satisfy himself that nothing in the directions requires the Governor-General to act in any manner inconsistent with any Instrument of Instructions issued to him by His Majesty.

Financial adviser to Governor-General.

15.—(1) The Governor-General may appoint a person to be his financial adviser.

(2) It shall be the duty of the Governor-General's financial adviser to assist by his advice the Governor-General in the discharge of his special responsibility for safeguarding the financial stability and credit of the Federal Government, and also to give advice to the Federal Government upon any matter relating to finance with respect to which he may be consulted.

(3) The Governor-General's financial adviser shall hold office during the pleasure of the Governor-General, and the salary and allowances of the financial adviser and the numbers of his staff and their conditions of service shall be such as the Governor-General may determine.

(4) The powers of the Governor-General with respect to the appointment and dismissal of a financial adviser, and with respect to the determination of his salary and allowances and the numbers of his staff and their conditions of service, shall be exercised by him in his discretion:

Provided that, if the Governor-General has determined to appoint a financial adviser, he shall, before making any appointment other than the first appointment, consult his ministers as to the person to be selected.

Advocate-General for Federation.

16.—(1) The Governor-General shall appoint a person, being a person qualified to be appointed a judge of the Federal Court, to be Advocate-General for the Federation.

(2) It shall be the duty of the Advocate-General to give advice to the Federal Government upon such legal matters, and to perform such other duties of a legal character, as may be referred or assigned to him by the Governor-General, and in the performance of his duties he shall have right of audience in all courts in British India and, in a case in which federal interests are concerned, in all courts in any Federated State.

(3) The Advocate-General shall hold office during the pleasure of the Governor-General, and shall receive such remuneration as the Governor-General may determine.

(4) In exercising his powers with respect to the appointment and dismissal of the Advocate-General and with respect to the determination of his remuneration, the Governor-General shall exercise his individual judgment.

Conduct of business of Federal Government.

17.—(1) All executive action of the Federal Government shall be expressed to be taken in the name of the Governor-General.

(2) Orders and other instruments made and executed in the name of the Governor-General shall be authenticated in such manner as may be specified in rules to be made by the Governor-General, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Governor-General.

(3) The Governor-General shall make rules for the more convenient transaction of the business of the Federal Government, and for the allocation among ministers of the said business in so far as it is not business with respect to which the Governor-General is by or under this Act required to act in his discretion.

(4) The rules shall include provisions requiring ministers and secretaries to Government to transmit to the Governor-General all such information with respect to the business of the Federal Government as may be

PART II. —*cont.*

specified in the rules, or as the Governor-General may otherwise require to be so transmitted, and in particular requiring a minister to bring to the notice of the Governor-General, and the appropriate secretary to bring to the notice of the minister concerned and of the Governor-General, any matter under consideration by him which involves, or appears to him likely to involve, any special responsibility of the Governor-General.

(5) In the discharge of his functions under subsections (2), (3) and (4) of this section the Governor-General shall act in his discretion after consultation with his ministers.

CHAPTER III.

THE FEDERAL LEGISLATURE.

General.

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18.—(1) There shall be a Federal Legislature which shall consist of His Majesty, represented by the Governor-General, and two Chambers, to be known respectively as the Council of State and the House of Assembly (in this Act referred to as " the Federal Assembly ").

(2) The Council of State shall consist of one hundred and fifty-six representatives of British India and not more than one hundred and four representatives of the Indian States, and the Federal Assembly shall consist of two hundred and fifty representatives of British India and not more than one hundred and twenty-five representatives of the Indian States.

(3) The said representatives shall be chosen in accordance with the provisions in that behalf contained in the First Schedule to this Act.

(4) The Council of State shall be a permanent body not subject to dissolution, but as near as may be one-third of the members thereof shall retire in every third year in accordance with the provisions in that behalf contained in the said First Schedule.

(5) Every Federal Assembly, unless sooner dissolved, shall continue for five years from the date appointed for their first meeting and no longer, and the expiration of the said period of five years shall operate as a dissolution of the Assembly.

Sessions of the Legislature, prorogation and dissolution.

19.—(1) The Chambers of the Federal Legislature shall be summoned to meet once at least in every year, and twelve months shall not intervene between their last sitting in one session and the date appointed for their first sitting in the next session.

(2) Subject to the provisions of this section, the Governor-General may in his discretion from time to time—

(*a*) summon the Chambers or either Chamber to meet at such time and place as he thinks fit;

(*b*) prorogue the Chambers;

(*c*) dissolve the Federal Assembly.

(3) The Chambers shall be summoned to meet for their first session on a day not later than such day as may be specified in that behalf in His Majesty's Proclamation establishing the Federation.

Right of Governor-General to address, and send messages to, Chambers.

20.—(1) The Governor-General may in his discretion address either Chamber of the Federal Legislature or both Chambers assembled together, and for that purpose require the attendance of members.

(2) The Governor-General may in his discretion send messages to either Chamber of the Federal Legislature, whether with respect to a Bill then pending in the Legislature or otherwise, and a Chamber to whom any message is so sent shall with all convenient dispatch consider any matter which they are required by the message to take into consideration.

Rights of ministers, counsellors and Advocate-General as respects Chambers.

21. Every minister, every counsellor and the Advocate-General shall have the right to speak in, and otherwise to take part in the proceedings of, either Chamber, any joint sitting of the Chambers, and any committee of the Legislature of which he may be named a member, but shall not by virtue of this section be entitled to vote.

Officers of Chambers.

22.—(1) The Council of State shall as soon as may be choose two members of the Council to be respectively President and Deputy President thereof and, so often as the office of President or Deputy President becomes vacant, the Council shall choose another member to be President or Deputy President, as the case may be.

(2) A member holding office as President or Deputy President of the Council of State shall vacate his office if he ceases to be a member of the Council, may at any time

Part II. —*cont.*

resign his office by writing under his hand addressed to the Governor-General, and may be removed from his office by a resolution of the Council passed by a majority of all the then members of the Council; but no resolution for the purpose of this subsection shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution.

(3) While the office of President is vacant, the duties of the office shall be performed by the Deputy President, or, if the office of Deputy President is also vacant, by such member of the Council as the Governor-General may in his discretion appoint for the purpose, and during any absence of the President from any sitting of the Council the Deputy President or, if he is also absent, such person as may be determined by the rules of procedure of the Council, or, if no such person is present, such other person as may be determined by the Council, shall act as President.

(4) There shall be paid to the President and the Deputy President of the Council of State such salaries as may be respectively fixed by Act of the Federal Legislature, and, until provision in that behalf is so made, such salaries as the Governor-General may determine.

(5) The foregoing provisions of this section shall apply in relation to the Federal Assembly as they apply in relation to the Council of State with the substitution of the titles "Speaker" and "Deputy Speaker" for the titles "President" and "Deputy President" respectively, and with the substitution of references to the Assembly for references to the Council:

Provided that, without prejudice to the provisions of subsection (2) of this section as applied by this subsection, whenever the Assembly is dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the Assembly after the dissolution.

Voting in Chambers, power of Chambers to act notwithstanding vacancies, and quorum.

23.—(1) Save as provided in the last preceding section, all questions at any sitting or joint sitting of the Chambers shall be determined by a majority of votes of the members present and voting, other than the President or Speaker or person acting as such.

The President or Speaker or person acting as such shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(2) A Chamber of the Federal Legislature shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Legislature shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.

(3) If at any time during a meeting of a Chamber less than one-sixth of the total number of members of the Chamber are present, it shall be the duty of the President or Speaker or person acting as such either to adjourn the Chamber, or to suspend the meeting until at least one-sixth of the members are present.

Provisions as to Members of Legislature.

Oath of members.

24. Every member of either Chamber shall, before taking his seat, make and subscribe before the Governor-General, or some person appointed by him, an oath according to that one of the forms set out in the Fourth Schedule to this Act which the member accepts as appropriate in his case.

Vacation of seats.

25.—(1) No person shall be a member of both Chambers, and rules made by the Governor-General exercising his individual judgment shall provide for the vacation by a person who is chosen a member of both Chambers of his seat in one Chamber or the other.

(2) If a member of either Chamber—

(*a*) becomes subject to any of the disqualifications mentioned in subsection (1) of the next succeeding section; or

(*b*) by writing under his hand addressed to the Governor-General resigns his seat,

his seat shall thereupon become vacant.

(3) If for sixty days a member of either Chamber is without permission of the Chamber absent from all meetings thereof, the Chamber may declare his seat vacant:

Provided that in computing the said period of sixty days no account shall be taken of any period during which the Chamber is prorogued, or is adjourned for more than four consecutive days.

Part II. —*cont.*

Disqualifications for membership.

26.—(1) A person shall be disqualified for being chosen as, and for being, a member of either Chamber—

(*a*) if he holds any office of profit under the Crown in India, other than an office declared by Act of the Federal Legislature not to disqualify its holder;

(*b*) if he is of unsound mind and stands so declared by a competent court;

(*c*) if he is an undischarged insolvent;

(*d*) if, whether before or after the establishment of the Federation, he has been convicted, or has, in proceedings for questioning the validity or regularity of an election, been found to have been guilty, of any offence or corrupt or illegal practice relating to elections which has been declared by Order in Council or by an Act of the Federal Legislature to be an offence or practice entailing disqualification for membership of the Legislature, unless such period has elapsed as may be specified in that behalf by the provisions of that Order or Act;

(*e*) if, whether before or after the establishment of the Federation, he has been convicted of any other offence by a court in British India or in a State which is a Federated State and sentenced to transportation or to imprisonment for not less than two years, unless a period of five years, or such less period as the Governor-General, acting in his discretion, may allow in any particular case, has elapsed since his release;

(*f*) if, having been nominated as a candidate for the Federal or any Provincial Legislature or having acted as an election agent of any person so nominated, he has failed to lodge a return of election expenses within the time and in the manner required by any Order in Council made under this Act or by any Act of the Federal or the Provincial Legislature, unless five years have elapsed from the date by which the return ought to have been lodged or the Governor-General, acting in his discretion, has removed the disqualification :

Provided that a disqualification under paragraph (*f*) of this subsection shall not take effect until the expiration of one month from the date by which the return ought to have been lodged or of such longer period as the Governor-General, acting in his discretion, may in any particular case allow.

(2) A person shall not be capable of being chosen a member of either Chamber while he is serving a sentence of transportation or of imprisonment for a criminal offence.

(3) Where a person who, by virtue of a conviction or a conviction and a sentence, becomes disqualified by virtue of paragraph (*d*) or paragraph (*e*) of subsection (1) of this section is at the date of the disqualification a member of the Legislature, his seat shall, notwithstanding anything in this or the last preceding section, not become vacant by reason of the disqualification until three months have elapsed from the date thereof or, if within those three months an appeal or petition for revision is brought in respect of the conviction or the sentence, until that appeal or petition is disposed of, but during any period during which his membership is preserved by this subsection he shall not sit or vote.

(4) For the purposes of this section a person shall not be deemed to hold an office of profit under the Crown in India by reason only that—

(*a*) he is a minister either for the Federation or for a Province; or

(*b*) while serving a State, he remains a member of one of the services of the Crown in India and retains all or any of his rights as such.

Penalty for sitting and voting when not qualified, or when disqualified.

27. If a person sits or votes as a member of either Chamber when he is not qualified or is disqualified for membership thereof, or when he is prohibited from so doing by the provisions of subsection (3) of the last preceding section, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the Federation.

Privileges &c. of members.

28.—(1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of the Federal Legislature, there shall be freedom of speech in the Legislature, and no member of the Legislature shall be

PART II. —*cont.*

liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of either Chamber of the Legislature of any report, paper, votes or proceedings.

(2) In other respects, the privileges of members of the Chambers shall be such as may from time to time be defined by Act of the Federal Legislature and, until so defined, shall be such as were immediately before the establishment of the Federation enjoyed by members of the Indian Legislature.

(3) Nothing in any existing Indian Act, and, notwithstanding anything in the foregoing provisions of this section, nothing in this Act, shall be construed as conferring, or empowering the Federal Legislature to confer, on either Chamber or on both Chambers sitting together, or on any committee or officer of the Legislature, the status of a court, or any punitive or disciplinary powers other than a power to remove or exclude persons infringing the rules or standing orders, or otherwise behaving in a disorderly manner.

(4) Provision may be made by an Act of the Federal Legislature for the punishment, on conviction before a court, of persons who refuse to give evidence or produce documents before a committee of a Chamber when duly required by the chairman of the committee so to do:

Provided that any such Act shall have effect subject to such rules for regulating the attendance before such committees of persons who are, or have been, in the service of the Crown in India, and safeguarding confidential matter from disclosure, as may be made by the Governor-General exercising his individual judgment.

(5) The provisions of subsections (1) and (2) of this section shall apply in relation to persons who by virtue of this Act have the right to speak in, and otherwise take part in the proceedings of, a Chamber as they apply in relation to members of the Legislature.

alaries and llowances f members.

29. Members of either Chamber shall be entitled to receive such salaries and allowances as may from time to time be determined by Act of the Federal Legislature and, until provision in that respect is so made, allowances at such rates and upon such conditions as were immediately before the date of the establishment of the Federation applicable in the case of members of the Legislative Assembly of the Indian Legislature.

Legislative Procedure.

Provisions as to introduction and passing of Bills.

30.—(1) Subject to the special provisions of this Part of this Act with respect to financial Bills, a Bill may originate in either Chamber.

(2) Subject to the provisions of the next succeeding section, a Bill shall not be deemed to have been passed by the Chambers of the Legislature unless it has been agreed to by both Chambers, either without amendment or with such amendments only as are agreed to by both Chambers.

(3) A Bill pending in the Legislature shall not lapse by reason of the prorogation of the Chambers.

(4) A Bill pending in the Council of State which has not been passed by the Federal Assembly shall not lapse on a dissolution of the Assembly.

(5) A Bill which is pending in the Federal Assembly or which having been passed by the Federal Assembly is pending in the Council of State shall, subject to the provisions of the next succeeding section, lapse on a dissolution of the Assembly.

Joint sittings of both Chambers in certain cases.

31.—(1) If after a Bill has been passed by one Chamber and transmitted to the other Chamber—

(*a*) the Bill is rejected by the other Chamber; or

(*b*) the Chambers have finally disagreed as to the amendments to be made in the Bill; or

(*c*) more than six months elapse from the date of the reception of the Bill by the other Chamber without the Bill being presented to the Governor-General for his assent,

the Governor-General may, unless the Bill has lapsed by reason of a dissolution of the Assembly, notify to the Chambers, by message if they are sitting or by public notification if they are not sitting, his intention to summon them to meet in a joint sitting for the purpose of deliberating and voting on the Bill:

PART II. —*cont.*

Provided that, if it appears to the Governor-General that the Bill relates to finance or to any matter which affects the discharge of his functions in so far as he is by or under this Act required to act in his discretion or to exercise his individual judgment, he may so notify the Chambers notwithstanding that there has been no rejection of or final disagreement as to the Bill and notwithstanding that the said period of six months has not elapsed, if he is satisfied that there is no reasonable prospect of the Bill being presented to him for his assent without undue delay.

In reckoning any such period of six months as is referred to in this subsection, no account shall be taken of any time during which the Legislature is prorogued or during which both Chambers are adjourned for more than four days.

(2) Where the Governor-General has notified his intention of summoning the Chambers to meet in a joint sitting, neither Chamber shall proceed further with the Bill, but the Governor-General may at any time in the next session after the expiration of six months from the date of his notification summon the Chambers to meet in a joint sitting for the purpose specified in his notification and, if he does so, the Chambers shall meet accordingly:

Provided that, if it appears to the Governor-General that the Bill is such a Bill as is mentioned in the proviso to subsection (1) of this section, he may summon the Chambers to meet in a joint sitting for the purpose aforesaid at any date, whether in the same session or in the next session.

(3) The functions of the Governor-General under the provisos to the two last preceding subsections shall be exercised by him in his discretion.

(4) If at the joint sitting of the two Chambers the Bill, with such amendments, if any, as are agreed to in joint sitting, is passed by a majority of the total number of members of both Chambers present and voting, it shall be deemed for the purposes of this Act to have been passed by both Chambers:

Provided that at a joint sitting—

(*a*) if the Bill, having been passed by one Chamber, has not been passed by the other Chamber with amendments and returned to the Chamber in which it originated, no amendment shall be proposed to the Bill other than such amendments (if any) as are made necessary by the delay in the passage of the Bill;

(*b*) if the Bill has been so passed and returned, only such amendments as aforesaid shall be proposed to the Bill and such other amendments as are relevant to the matters with respect to which the Chambers have not agreed,

and the decision of the person presiding as to the amendments which are admissible under this subsection shall be final.

(5) A joint sitting may be held under this section and a Bill passed thereat notwithstanding that a dissolution of the Assembly has intervened since the Governor-General notified his intention to summon the Chambers to meet therein.

Assent to Bills and power of Crown to disallow Acts.

32.—(1) When a Bill has been passed by the Chambers, it shall be presented to the Governor-General, and the Governor-General shall in his discretion declare either that he assents in His Majesty's name to the Bill, or that he withholds assent therefrom, or that he reserves the Bill for the signification of His Majesty's pleasure:

Provided that the Governor-General may in his discretion return the Bill to the Chambers with a message requesting that they will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message, and the Chambers shall reconsider the Bill accordingly.

(2) A Bill reserved for the signification of His Majesty's pleasure shall not become an Act of the Federal Legislature unless and until, within twelve months from the day on which it was presented to the Governor-General, the Governor-General makes known by public notification that His Majesty has assented thereto.

(3) Any Act assented to by the Governor-General may be disallowed by His Majesty within twelve months from the day of the Governor-General's assent, and where any Act is so disallowed the Governor-General

PART II. —*cont.*

shall forthwith make the disallowance known by public notification, and as from the date of the notification the Act shall become void.

Procedure in Financial matters.

Annual financial statement.

33.—(1) The Governor-General shall in respect of every financial year cause to be laid before both Chambers of the Federal Legislature a statement of the estimated receipts and expenditure of the Federation for that year, in this Part of this Act referred to as the "annual financial statement."

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

(*a*) the sums required to meet expenditure described by this Act as expenditure charged upon the revenues of the Federation; and

(*b*) the sums required to meet other expenditure proposed to be made from the revenues of the Federation,

and shall distinguish expenditure on revenue account from other expenditure, and indicate the sums, if any, which are included solely because the Governor-General has directed their inclusion as being necessary for the due discharge of any of his special responsibilities.

(3) The following expenditure shall be expenditure charged on the revenues of the Federation:—

(*a*) the salary and allowances of the Governor-General and other expenditure relating to his office for which provision is required to be made by Order in Council;

(*b*) debt charges for which the Federation is liable, including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;

(*c*) the salaries and allowances of ministers, of counsellors, of the financial adviser, of the advocate-general, of chief commissioners, and of the staff of the financial adviser;

(*d*) the salaries, allowances, and pensions payable to or in respect of judges of the Federal Court, and the pensions payable to or in respect of judges of any High Court;

(*e*) expenditure for the purpose of the discharge by the Governor-General of his functions with respect to defence and ecclesiastical affairs, his functions with respect to external affairs in so far as he is by or under this Act required in the exercise thereof to act in his discretion, his functions in or in relation to tribal areas, and his functions in relation to the administration of any territory in the direction and control of which he is under this Act required to act in his discretion: provided that the sum so charged in any year in respect of expenditure on ecclesiastical affairs shall not exceed forty-two lakhs of rupees, exclusive of pension charges;

(*f*) the sums payable to His Majesty under this Act out of the revenues of the Federation in respect of the expenses incurred in discharging the functions of the Crown in its relations with Indian States;

(*g*) any grants for purposes connected with the administration of any areas in a Province which are for the time being excluded areas;

(*h*) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal;

(*i*) any other expenditure declared by this Act or any Act of the Federal Legislature to be so charged.

(4) Any question whether any proposed expenditure falls within a class of expenditure charged on the revenues of the Federation shall be decided by the Governor-General in his discretion.

Procedure in Legislature with respect to estimates.

34.—(1) So much of the estimates of expenditure as relates to expenditure charged upon the revenues of the Federation shall not be submitted to the vote of the Legislature, but nothing in this subsection shall be construed as preventing the discussion in either Chamber of the Legislature of any of those estimates other than estimates relating to expenditure referred to in paragraph (*a*) or paragraph (*f*) of subsection (3) of the last preceding section.

(2) So much of the said estimates as relates to other expenditure shall be submitted in the form of demands for grants to the Federal Assembly and thereafter to the

PART II. —*cont.*

Council of State, and either Chamber shall have power to assent or to refuse to assent to any demand, or to assent to any demand subject to a reduction of the amount specified therein:

Provided that, where the Assembly have refused to assent to any demand, that demand shall not be submitted to the Council of State, unless the Governor-General so directs and, where the Assembly have assented to a demand subject to a reduction of the amount specified therein, a demand for the reduced amount only shall be submitted to the Council of State, unless the Governor-General otherwise directs; and where, in either of the said cases, such a direction is given, the demand submitted to the Council of State shall be for such amount, not being a greater amount than that originally demanded, as may be specified in the direction.

(3) If the Chambers differ with respect to any demand the Governor-General shall summon the two Chambers to meet in a joint sitting for the purpose of deliberating and voting on the demand as to which they disagree, and the decision of the majority of the members of both Chambers present and voting shall be deemed to be the decision of the two Chambers.

(4) No demand for a grant shall be made except on the recommendation of the Governor-General.

Authentication of schedule of authorised expenditure.

35.—(1) The Governor-General shall authenticate by his signature a schedule specifying—

(*a*) the grants made by the Chambers under the last preceding section;

(*b*) the several sums required to meet the expenditure charged on the revenues of the Federation but not exceeding, in the case of any sum, the sum shown in the statement previously laid before the Legislature:

Provided that, if the Chambers have not assented to any demand for a grant or have assented subject to a reduction of the amount specified therein, the Governor-General may, if in his opinion the refusal or reduction would affect the due discharge of any of his special responsibilities, include in the schedule such additional amount, if any, not exceeding the amount of the rejected demand or the reduction, as the case may be, as appears to him necessary in order to enable him to discharge that responsibility.

(2) The schedule so authenticated shall be laid before both Chambers but shall not be open to discussion or vote therein.

(3) Subject to the provisions of the next succeeding section, no expenditure from the revenues of the Federation shall be deemed to be duly authorised unless it is specified in the schedule so authenticated.

Supplementary statements of expenditure.

36. If in respect of any financial year further expenditure from the revenues of the Federation becomes necessary over and above the expenditure theretofore authorised for that year, the Governor-General shall cause to be laid before both Chambers of the Federal Legislature a supplementary statement showing the estimated amount of that expenditure, and the provisions of the preceding sections shall have effect in relation to that statement and that expenditure as they have effect in relation to the annual financial statement and the expenditure mentioned therein.

Special provisions as to financial Bills.

37.—(1) A Bill or amendment making provision—

(*a*) for imposing or increasing any tax; or

(*b*) for regulating the borrowing of money or the giving of any guarantee by the Federal Government, or for amending the law with respect to any financial obligations undertaken or to be undertaken by the Federal Government; or

(*c*) for declaring any expenditure to be expenditure charged on the revenues of the Federation, or for increasing the amount of any such expenditure,

shall not be introduced or moved except on the recommendation of the Governor-General, and a Bill making such provision shall not be introduced in the Council of State.

(2) A Bill or amendment shall not be deemed to make provision for any of the purposes aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand or payment of fees for licences or fees for services rendered.

(3) A Bill which, if enacted and brought into operation, would involve expenditure from the revenues of the Federation shall not be passed by either Chamber unless the Governor-General has recommended to that Chamber the consideration of the Bill.

Procedure generally.

Rules of procedure.

38.—(1) Each Chamber of the Federal Legislature may make rules for regulating, subject to the provisions of this Act, their procedure and the conduct of their business:

Provided that as regards each Chamber the Governor-General shall in his discretion, after consultation with the President or the Speaker, as the case may be, make rules—

(*a*) for regulating the procedure of, and the conduct of business in, the Chamber in relation to any matter which affects the discharge of his functions in so far as he is by or under this Act required to act in his discretion or to exercise his individual judgment;

(*b*) for securing the timely completion of financial business;

(*c*) for prohibiting the discussion of, or the asking of questions on, any matter connected with any Indian State, other than a matter with respect to which the Federal Legislature has power to make laws for that State, unless the Governor-General in his discretion is satisfied that the matter affects Federal interests or affects a British subject, and has given his consent to the matter being discussed or the question being asked;

(*d*) for prohibiting, save with the consent of the Governor-General in his discretion,—

(i) the discussion of, or the asking of questions on, any matter connected with relations between His Majesty or the Governor-General and any foreign State or Prince; or

(ii) the discussion, except in relation to estimates of expenditure, of, or the asking of questions on, any matter connected with the tribal areas or the administration of any excluded area; or

(iii) the discussion of, or the asking of questions on, any action taken in his discretion by the Governor-General in relation to the affairs of a Province; or

(iv) the discussion of, or the asking of questions on, the personal conduct of the Ruler of any Indian State, or of a member of the ruling family thereof;

and, if and in so far as any rule so made by the Governor-General is inconsistent with any rule made by a Chamber, the rule made by the Governor-General shall prevail.

(2) The Governor-General, after consultation with the President of the Council of State and the Speaker of the Legislative Assembly, may make rules as to the procedure with respect to joint sittings of, and communications between, the two Chambers.

The said rules shall make such provision for the purposes specified in the proviso to the preceding subsection as the Governor-General in his discretion may think fit.

(3) Until rules are made under this section, the rules of procedure and standing orders in force immediately before the establishment of the Federation with respect to the Indian Legislature shall have effect in relation to the Federal Legislature subject to such modifications and adaptations as may be made therein by the Governor-General in his discretion.

(4) At a joint sitting of the two Chambers the President of the Council of State, or in his absence such person as may be determined by rules of procedure made under this section, shall preside.

English to be used in the Federal Legislature.

39. All proceedings in the Federal Legislature shall be conducted in the English language:

Provided that the rules of procedure of each Chamber and the rules with respect to joint sittings shall provide for enabling persons unacquainted, or not sufficiently acquainted, with the English language to use another language.

Restrictions on discussion in the Legislature.

40.—(1) No discussion shall take place in the Federal Legislature with respect to the conduct of any judge of the Federal Court or a High Court in the discharge of his duties.

In this subsection the reference to a High Court shall be construed as including a reference to any court in a Federated State which is a High Court for any of the purposes of Part IX of this Act.

(2) If the Governor-General in his discretion certifies that the discussion of a Bill introduced or proposed to be introduced in the Federal Legislature, or of any specified clause of a Bill, or of any amendment moved or proposed to be moved to a Bill, would affect the discharge of his special responsibility for the prevention of any grave menace to the peace or tranquillity of India or any part thereof, he may in his discretion direct that no proceedings, or no further proceedings, shall be taken in relation to the Bill, clause or amendment, and effect shall be given to the direction.

Courts not to inquire into proceedings of the Legislature.

41.—(1) The validity of any proceedings in the Federal Legislature shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or other member of the Legislature in whom powers are vested by or under this Act for regulating procedure or the conduct of business, or for maintaining order, in the Legislature shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

CHAPTER IV.

LEGISLATIVE POWERS OF GOVERNOR-GENERAL.

Power of Governor-General to promulgate ordinances during recess of Legislature.

42.—(1) If at any time when the Federal Legislature is not in session the Governor-General is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such ordinances as the circumstances appear to him to require:

Provided that the Governor-General—

(*a*) shall exercise his individual judgment as respects the promulgation of any ordinance under this section if a Bill containing the same provisions would under this Act have required his previous sanction to the introduction thereof into the Legislature; and (*b*) shall not, without instructions from His Majesty, promulgate any such ordinance if he would have deemed it necessary to reserve a Bill containing the same provisions for the signification of His Majesty's pleasure thereon.

(2) An ordinance promulgated under this section shall have the same force and effect as an Act of the Federal Legislature assented to by the Governor-General, but every such ordinance—

(*a*) shall be laid before the Federal Legislature and shall cease to operate at the expiration of six weeks from the reassembly of the Legislature, or, if before the expiration of that period resolutions disapproving it are passed by both Chambers, upon the passing of the second of those resolutions;

(*b*) shall be subject to the provisions of this Act relating to the power of His Majesty to disallow Acts as if it were an Act of the Federal Legislature assented to by the Governor-General; and

(*c*) may be withdrawn at any time by the Governor-General.

(3) If and so far as an ordinance under this section makes any provision which the Federal Legislature would not under this Act be competent to enact, it shall be void.

Power of Governor-General to promulgate ordinances at any time with respect to certain subjects.

43.—(1) If at any time the Governor-General is satisfied that circumstances exist which render it necessary for him to take immediate action for the purpose of enabling him satisfactorily to discharge his functions in so far as he is by or under this Act required in the exercise thereof to act in his discretion or to exercise his individual judgment, he may promulgate such ordinances as in his opinion the circumstances of the case require.

(2) An ordinance promulgated under this section shall continue in operation for such period not exceeding six months as may be specified therein, but may by a subsequent ordinance be extended for a further period not exceeding six months.

(3) An ordinance promulgated under this section shall have the same force and effect as an Act of the

Federal Legislature assented to by the Governor-General, but every such ordinance—

(*a*) shall be subject to the provisions of this Act relating to the power of His Majesty to disallow Acts as if it were an Act of the Federal Legislature assented to by the Governor-General;

(*b*) may be withdrawn at any time by the Governor-General; and

(*c*) if it is an ordinance extending a previous ordinance for a further period, shall be communicated forthwith to the Secretary of State and shall be laid by him before each House of Parliament.

(4) If and so far as an ordinance under this section makes any provision which the Federal Legislature would not under this Act be competent to enact, it shall be void.

(5) The functions of the Governor-General under this section shall be exercised by him in his discretion.

Power of Governor-General in certain circumstances to enact Acts.

44.—(1) If at any time it appears to the Governor-General that, for the purpose of enabling him satisfactorily to discharge his functions in so far as he is by or under this Act required in the exercise thereof to act in his discretion or to exercise his individual judgment, it is essential that provision should be made by legislation, he may by message to both Chambers of the Legislature explain the circumstances which in his opinion render legislation essential, and either—

(*a*) enact forthwith, as a Governor-General's Act, a Bill containing such provisions as he considers necessary; or

(*b*) attach to his message a draft of the Bill which he considers necessary.

(2) Where the Governor-General takes such action as is mentioned in paragraph (*b*) of the preceding subsection, he may at any time after the expiration of one month enact, as a Governor-General's Act, the Bill proposed by him to the Chambers either in the form of the draft communicated to them or with such amendments as he deems necessary, but before so doing he shall consider any address which may have been presented to him within the said period by either Chamber with

reference to the Bill or to amendments suggested to be made therein.

(3) A Governor-General's Act shall have the same force and effect, and shall be subject to disallowance in the same manner, as an Act of the Federal Legislature assented to by the Governor-General and, if and in so far as a Governor-General's Act makes any provision which the Federal Legislature would not under this Act be competent to enact, it shall be void.

(4) Every Governor-General's Act shall be communicated forthwith to the Secretary of State and shall be laid by him before each House of Parliament.

(5) The functions of the Governor-General under this section shall be exercised by him in his discretion.

CHAPTER V.

PROVISIONS IN CASE OF FAILURE OF CONSTITUTIONAL MACHINERY.

Power of Governor-General to issue Proclamations.

45.—(1) If at any time the Governor-General is satisfied that a situation has arisen in which the government of the Federation cannot be carried on in accordance with the provisions of this Act, he may by Proclamation—

(*a*) declare that his functions shall to such extent as may be specified in the Proclamation be exercised by him in his discretion;

(*b*) assume to himself all or any of the powers vested in or exercisable by any Federal body or authority,

and any such Proclamation may contain such incidental and consequential provisions as may appear to him to be necessary or desirable for giving effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provisions of this Act relating to any Federal body or authority:

Provided that nothing in this subsection shall authorise the Governor-General to assume to himself any of the powers vested in or exercisable by the Federal Court or to suspend, either in whole or in part, the operation of any provision of this Act relating to the Federal Court.

Part II. —*cont.*

(2) Any such Proclamation may be revoked or varied by a subsequent Proclamation.

(3) A Proclamation issued under this section—

(*a*) shall be communicated forthwith to the Secretary of State and shall be laid by him before each House of Parliament;

(*b*) unless it is a Proclamation revoking a previous Proclamation, shall cease to operate at the expiration of six months:

Provided that, if and so often as a resolution approving the continuance in force of such a Proclamation is passed by both Houses of Parliament, the Proclamation shall, unless revoked, continue in force for a further period of twelve months from the date on which under this subsection it would otherwise have ceased to operate.

(4) If at any time the government of the Federation has for a continuous period of three years been carried on under and by virtue of a Proclamation issued under this section, then, at the expiration of that period, the Proclamation shall cease to have effect and the government of the Federation shall be carried on in accordance with the other provisions of this Act, subject to any amendment thereof which Parliament may deem it necessary to make, but nothing in this subsection shall be construed as extending the power of Parliament to make amendments in this Act without affecting the accession of a State.

(5) If the Governor-General, by a Proclamation under this section, assumes to himself any power of the Federal Legislature to make laws, any law made by him in the exercise of that power shall, subject to the terms thereof, continue to have effect until two years have elapsed from the date on which the Proclamation ceases to have effect, unless sooner repealed or re-enacted by Act of the appropriate Legislature, and any reference in this Act to Federal Acts, Federal laws, or Acts or laws of the Federal Legislature shall be construed as including a reference to such a law.

(6) The functions of the Governor-General under this section shall be exercised by him in his discretion.

PART III.

THE GOVERNORS' PROVINCES.

CHAPTER I.

The Provinces.

Governors' Provinces.

46.—(1) Subject to the provisions of the next succeeding section with respect to Berar, the following shall be Governors' Provinces, that is to say, Madras, Bombay, Bengal, the United Provinces, the Punjab, Bihar, the Central Provinces and Berar, Assam, the North West Frontier Province, Orissa, Sind, and such other Governors' Provinces as may be created under this Act.

(2) Burma shall cease to be part of India.

(3) In this Act the expression "Province" means, unless the context otherwise requires, a Governor's Province, and "Provincial" shall be construed accordingly.

Provisions as to Berar.

47. Whereas certain territory (in this Act referred to as "Berar") is under the sovereignty of His Exalted Highness the Nizam of Hyderabad, but is at the date of the passing of this Act, by virtue of certain agreements subsisting between His Majesty and His Exalted Highness, administered together with the Central Provinces:

And whereas it is in contemplation that an agreement shall be concluded between His Majesty and His Exalted Highness whereby, notwithstanding the continuance of the sovereignty of His Exalted Highness over Berar, the Central Provinces and Berar may be governed together as one Governor's Province under this Act by the name of the Central Provinces and Berar:

Now, therefore,—

(1) While any such agreement is in force—

(*a*) Berar and the Central Provinces shall, notwithstanding the continuance of the sovereignty of His Exalted Highness, be deemed to be one Governor's Province by the name of the Central Provinces and Berar;

(*b*) any reference in this Act or in any other Act to British India shall be construed as a reference to British India and

Part III. —*cont.*

Berar, and any reference in this Act to subjects of His Majesty shall, except for the purposes of any oath of allegiance, be deemed to include a reference to Berari subjects of His Exalted Highness;

(*c*) any provision made under this Act with respect to the qualifications of the voters for the Provincial Legislature of the Central Provinces and Berar, or the voters for the Council of State, shall be such as to give effect to any provisions with respect to those matters contained in the agreement:

(2) If no such agreement is concluded, or if such an agreement is concluded but subsequently ceases to have effect, references in this Act to the Central Provinces and Berar shall be construed as references to the Central Provinces, and His Majesty in Council may make such consequential modifications in the provisions of this Act relating to the Central Provinces as he thinks proper.

CHAPTER II.

The Provincial Executive.

The Governor.

Appointment of Governor.

48.—(1) The Governor of a Province is appointed by His Majesty by a Commission under the Royal Sign Manual.

(2) The provisions of the Third Schedule to this Act shall have effect with respect to the salary and allowances of the Governor and the provision to be made for enabling him to discharge conveniently and with dignity the duties of his office.

Executive authority of Province.

49.—(1) The executive authority of a Province shall be exercised on behalf of His Majesty by the Governor, either directly or through officers subordinate to him, but nothing in this section shall prevent the Federal or the Provincial Legislature from conferring functions upon subordinate authorities, or be deemed to transfer to the Governor any functions conferred by any existing Indian law on any court, judge, or officer or any local or other authority.

(2) Subject to the provisions of this Act, the executive authority of each Province extends to the matters with respect to which the Legislature of the Province has power to make laws.

Administration of Provincial Affairs.

Council of ministers.

50.—(1) There shall be a council of ministers to aid and advise the Governor in the exercise of his functions, except in so far as he is by or under this Act required to exercise his functions or any of them in his discretion :

Provided that nothing in this subsection shall be construed as preventing the Governor from exercising his individual judgment in any case where by or under this Act he is required so to do.

(2) The Governor in his discretion may preside at meetings of the council of ministers.

(3) If any question arises whether any matter is or is not a matter as respects which the Governor is by or under this Act required to act in his discretion or to exercise his individual judgment, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in his discretion, or ought or ought not to have exercised his individual judgment.

Other provisions as to ministers.

51.—(1) The Governor's ministers shall be chosen and summoned by him, shall be sworn as members of the council, and shall hold office during his pleasure.

(2) A minister who for any period of six consecutive months is not a member of the Provincial Legislature shall at the expiration of that period cease to be a minister.

(3) The salaries of ministers shall be such as the Provincial Legislature may from time to time by Act determine, and, until the Provincial Legislature so determine, shall be determined by the Governor :

Provided that the salary of a minister shall not be varied during his term of office.

(4) The question whether any, and if so what, advice was tendered by ministers to the Governor shall not be inquired into in any court.

PART III. —*cont.*

(5) The functions of the Governor under this section with respect to the choosing and summoning and the dismissal of ministers, and with respect to the determination of their salaries, shall be exercised by him in his discretion.

Special responsibilities of Governor.

52.—(1) In the exercise of his functions the Governor shall have the following special responsibilities, that is to say:—

(*a*) the prevention of any grave menace to the peace or tranquillity of the Province or any part thereof;

(*b*) the safeguarding of the legitimate interests of minorities;

(*c*) the securing to, and to the dependants of, persons who are or have been members of the public services of any rights provided or preserved for them by or under this Act, and the safeguarding of their legitimate interests;

(*d*) the securing in the sphere of executive action of the purposes which the provisions of chapter III of Part V of this Act are designed to secure in relation to legislation;

(*e*) the securing of the peace and good government of areas which by or under the provisions of this Part of this Act are declared to be partially excluded areas;

(*f*) the protection of the rights of any Indian State and the rights and dignity of the Ruler thereof; and

(*g*) the securing of the execution of orders or directions lawfully issued to him under Part VI of this Act by the Governor-General in his discretion.

(2) The Governor of the Central Provinces and Berar shall also have the special responsibility of securing that a reasonable share of the revenues of the Province is expended in or for the benefit of Berar, the Governor of any Province which includes an excluded area shall also have the special responsibility of securing that the due discharge of his functions in respect of excluded areas is not prejudiced or impeded by any course of

action taken with respect to any other matter, any Governor who is discharging any functions as agent for the Governor-General shall also have the special responsibility of securing that the due discharge of those functions is not prejudiced or impeded by any course of action taken with respect to any other matter, and the Governor of Sind shall also have the special responsibility of securing the proper administration of the Lloyd Barrage and Canals Scheme.

Part III. —*cont.*

(3) If and in so far as any special responsibility of the Governor is involved, he shall, in the exercise of his functions, exercise his individual judgment as to the action to be taken.

Provisions as to Instrument of Instructions.

53.—(1) The Secretary of State shall lay before Parliament the draft of any Instructions (including any Instructions amending or revoking Instructions previously issued) which it is proposed to recommend His Majesty to issue to the Governor of a Province, and no further proceedings shall be taken in relation thereto except in pursuance of an address presented to His Majesty by both Houses of Parliament praying that the Instructions may be issued.

(2) The validity of anything done by the Governor of a Province shall not be called in question on the ground that it was done otherwise than in accordance with any Instrument of Instructions issued to him.

Superintendence of Governor-General.

54.—(1) In so far as the Governor of a Province is by or under this Act required to act in his discretion or to exercise his individual judgment, he shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given to him by, the Governor-General in his discretion, but the validity of anything done by a Governor shall not be called in question on the ground that it was done otherwise than in accordance with the provisions of this section.

(2) Before giving any directions under this section, the Governor-General shall satisfy himself that nothing in the directions requires the Governor to act in any manner inconsistent with any Instrument of Instructions issued to the Governor by His Majesty.

PART III. —*cont.*

Advocate-General for Province.

55.—(1) The Governor of each Province shall appoint a person, being a person qualified to be appointed a judge of a High Court, to be Advocate-General for the Province.

(2) It shall be the duty of the Advocate-General to give advice to the Provincial Government upon such legal matters, and to perform such other duties of a legal character, as may from time to time be referred or assigned to him by the Governor.

(3) The Advocate-General shall hold office during the pleasure of the Governor, and shall receive such remuneration as the Governor may determine.

(4) In exercising his powers with respect to the appointment and dismissal of the Advocate-General and with respect to the determination of his remuneration, the Governor shall exercise his individual judgment.

Provisions as to police rules.

56. Where it is proposed that the Governor of a Province should by virtue of any powers vested in him make or amend, or approve the making or amendment of, any rules, regulations or orders relating to any police force, whether civil or military, he shall exercise his individual judgment with respect to the proposal, unless it appears to him that the proposal does not relate to or affect the organisation or discipline of that force.

Provisions as to crimes of violence intended to overthrow Government.

57.—(1) If it appears to the Governor of a Province that the peace or tranquillity of the Province is endangered by the operations of any persons committing, or conspiring, preparing or attempting to commit, crimes of violence which, in the opinion of the Governor, are intended to overthrow the government as by law established, the Governor may, if he thinks that the circumstances of the case require him so to do for the purpose of combating those operations, direct that his functions shall, to such extent as may be specified in the direction, be exercised by him in his discretion and, until otherwise provided by a subsequent direction of the Governor, those functions shall to that extent be exercised by him accordingly.

(2) While any such direction is in force, the Governor may authorise an official to speak in and otherwise take part in the proceedings of the Legislature,

and any official so authorised may speak and take part accordingly in the proceedings of the Chamber or Chambers of the Legislature, any joint sitting of the Chambers, and any committee of the Legislature of which he may be named a member by the Governor, but shall not be entitled to vote.

(3) The functions of the Governor under this section shall be exercised by him in his discretion.

(4) Nothing in this section affects the special responsibility of the Governor for the prevention of any grave menace to the peace or tranquillity of the Province or any part thereof.

Sources of certain information not to be disclosed.

58. The Governor in his discretion shall make rules for securing that no records or information relating to the sources from which information has been or may be obtained with respect to the operations of persons committing, or conspiring, preparing, or attempting to commit, such crimes as are mentioned in the last preceding section, shall be disclosed or given—

(*a*) by any member of any police force in the Province to another member of that force except in accordance with directions of the Inspector-General of Police or Commissioner of Police, as the case may be, or to any other person except in accordance with directions of the Governor in his discretion; or

(*b*) by any other person in the service of the Crown in the Province to any person except in accordance with directions of the Governor in his discretion.

Conduct of business of Provincial Government.

59.—(1) All executive action of the Government of a Province shall be expressed to be taken in the name of the Governor.

(2) Orders and other instruments made and executed in the name of the Governor shall be authenticated in such manner as may be specified in rules to be made by the Governor, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Governor.

(3) The Governor shall make rules for the more convenient transaction of the business of the Provincial Government, and for the allocation among ministers of

the said business in so far as it is not business with respect to which the Governor is by or under this Act required to act in his discretion.

(4) The rules shall include provisions requiring ministers and secretaries to Government to transmit to the Governor all such information with respect to the business of the Provincial Government as may be specified in the rules, or as the Governor may otherwise require to be so transmitted, and in particular requiring a minister to bring to the notice of the Governor, and the appropriate secretary to bring to the notice of the minister concerned and of the Governor, any matter under consideration by him which involves, or appears to him likely to involve, any special responsibility of the Governor.

(5) In the discharge of his functions under sub-sections (2), (3) and (4) of this section the Governor shall act in his discretion after consultation with his ministers.

CHAPTER III.

THE PROVINCIAL LEGISLATURE.

General.

Constitution of Provincial Legislatures.

60.—(1) There shall for every Province be a Provincial Legislature which shall consist of His Majesty, represented by the Governor, and—

(*a*) in the Provinces of Madras, Bombay, Bengal, the United Provinces, Bihar and Assam, two Chambers;

(*b*) in other Provinces, one Chamber.

(2) Where there are two Chambers of a Provincial Legislature, they shall be known respectively as the Legislative Council and the Legislative Assembly, and where there is only one Chamber, the Chamber shall be known as the Legislative Assembly.

Composition of Chambers of Provincial Legislatures.

61.—(1) The composition of the Chamber or Chambers of the Legislature of a Province shall be such as is specified in relation to that Province in the Fifth Schedule to this Act.

(2) Every Legislative Assembly of every Province, unless sooner dissolved, shall continue for five years from the date appointed for their first meeting and no

longer, and the expiration of the said period of five years shall operate as a dissolution of the Assembly.

(3) Every Legislative Council shall be a permanent body not subject to dissolution, but as near as may be one-third of the members thereof shall retire in every third year in accordance with the provision in that behalf made in relation to the Province under the said Fifth Schedule.

Sessions of the Legislature, prorogation and dissolution.

62.—(1) The Chamber or Chambers of each Provincial Legislature shall be summoned to meet once at least in every year, and twelve months shall not intervene between their last sitting in one session and the date appointed for their first sitting in the next session.

(2) Subject to the provisions of this section, the Governor may in his discretion from time to time—

(*a*) summon the Chambers or either Chamber to meet at such time and place as he thinks fit;

(*b*) prorogue the Chamber or Chambers;

(*c*) dissolve the Legislative Assembly.

(3) The Chamber or Chambers shall be summoned to meet for the first session of the Legislature on a day not later than six months after the commencement of this Part of this Act.

Right of Governor to address, and send messages to, Chambers.

63.—(1) The Governor may in his discretion address the Legislative Assembly or, in the case of a Province having a Legislative Council, either Chamber of the Provincial Legislature or both Chambers assembled together, and may for that purpose require the attendance of members.

(2) The Governor may in his discretion send messages to the Chamber or Chambers of the Provincial Legislature, whether with respect to a Bill then pending in the Legislature or otherwise, and a Chamber to whom any message is so sent shall with all convenient dispatch consider any matter which they are required by the message to take into consideration.

Rights of ministers and Advocate-General as respects Chambers.

64. Every minister and the Advocate-General shall have the right to speak in, and otherwise take part in the proceedings of, the Legislative Assembly of the Province or, in the case of a Province having a Legislative Council, both Chambers and any joint sitting of the Chambers, and to speak in, and otherwise take part in the

PART III. —*cont.*

proceedings of, any committee of the Legislature of which he may be named a member, but shall not, by virtue of this section, be entitled to vote.

Officers of Chambers.

65.—(1) Every Provincial Legislative Assembly shall, as soon as may be, choose two members of the Assembly to be respectively Speaker and Deputy Speaker thereof and, so often as the office of Speaker or Deputy Speaker becomes vacant, the Assembly shall choose another member to be Speaker or Deputy Speaker, as the case may be.

(2) A member holding office as Speaker or Deputy Speaker of an Assembly shall vacate his office if he ceases to be a member of the Assembly, may at any time resign his office by writing under his hand addressed to the Governor, and may be removed from his office by a resolution of the Assembly passed by a majority of all the then members of the Assembly; but no resolution for the purpose of this subsection shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution:

Provided that, whenever the Assembly is dissolved, the Speaker shall not vacate his office until immediately before the first meeting of the Assembly after the dissolution.

(3) While the office of Speaker is vacant, the duties of the office shall be performed by the Deputy Speaker or, if the office of Deputy Speaker is also vacant, by such member of the Assembly as the Governor may in his discretion appoint for the purpose, and during any absence of the Speaker from any sitting of the Assembly the Deputy Speaker or, if he is also absent, such person as may be determined by the rules of procedure of the Assembly, or, if no such person is present, such other person as may be determined by the Assembly, shall act as Speaker.

(4) There shall be paid to the Speaker and the Deputy Speaker of the Legislative Assembly such salaries as may be respectively fixed by Act of the Provincial Legislature, and, until provision in that behalf is so made, such salaries as the Governor may determine.

(5) In the case of a Province having a Legislative Council, the foregoing provisions of this section (other than the proviso to subsection (2) thereof) shall

apply in relation to the Legislative Council as they apply in relation to the Legislative Assembly, with the substitution of the titles "President" and "Deputy President" for the titles "Speaker" and "Deputy Speaker" respectively, and with the substitution of references to the Council for references to the Assembly.

Voting in Chambers, power of Chambers to act notwithstanding vacancies, and quorum.

66.—(1) Save as in this Act otherwise expressly provided, all questions in a Chamber, or a joint sitting of two Chambers, of a Provincial Legislature shall be determined by a majority of votes of the members present and voting, other than the Speaker or President, or person acting as such.

The Speaker or President, or person acting as such, shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(2) A Chamber of a Provincial Legislature shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in a Provincial Legislature shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do, sat or voted or otherwise took part in the proceedings.

(3) If at any time during a meeting of a Provincial Legislative Assembly less than one-sixth of the total number of members of the Chamber are present, or if at any time during a meeting of a Provincial Legislative Council less than ten members are present, it shall be the duty of the Speaker or President or person acting as such either to adjourn the Chamber, or to suspend the meeting until at least one-sixth of the members, or, as the case may be, at least ten members, are present.

Provisions as to Members of Legislatures.

Oath of members.

67. Every member of a Provincial Legislative Assembly or Legislative Council shall, before taking his seat, make and subscribe before the Governor, or some person appointed by him, an oath according to that one of the forms set out in the Fourth Schedule to this Act which the member accepts as appropriate in his case.

PART III. —*cont.*

Vacation of seats.

68.—(1) No person shall be a member of both Chambers of a Provincial Legislature, and rules made by the Governor exercising his individual judgment shall provide for the vacation by a person who is chosen a member of both Chambers of his seat in one Chamber or the other.

(2) No person shall be a member both of the Federal Legislature and of a Provincial Legislature and if a person is chosen a member both of the Federal Legislature and of a Provincial Legislature, then, at the expiration of such period as may be specified in rules made by the Governor of the Province exercising his individual judgment, that person's seat in the Provincial Legislature shall become vacant, unless he has previously resigned his seat in the Federal Legislature.

(3) If a member of a Chamber—

(*a*) becomes subject to any of the disqualifications mentioned in subsection (1) of the next succeeding section; or

(*b*) by writing under his hand addressed to the Governor resigns his seat,

his seat shall thereupon become vacant.

(4) If for sixty days a member of a Chamber is without permission of the Chamber absent from all meetings thereof, the Chamber may declare his seat vacant:

Provided that in computing the said period of sixty days no account shall be taken of any period during which the Chamber is prorogued, or is adjourned for more than four consecutive days.

Disqualifications for membership.

69.—(1) A person shall be disqualified for being chosen as, and for being, a member of a Provincial Legislative Assembly or Legislative Council—

(*a*) if he holds any office of profit under the Crown in India, other than an office declared by Act of the Provincial Legislature not to disqualify its holder;

(*b*) if he is of unsound mind and stands so declared by a competent court;

(*c*) if he is an undischarged insolvent;

Part III.—*cont.*

(*d*) if, whether before or after the commencement of this Part of this Act, he has been convicted or has, in proceedings for questioning the validity or regularity of an election, been found to have been guilty, of any offence or corrupt or illegal practice relating to elections which has been declared by Order in Council, or by an Act of the Provincial Legislature, to be an offence or practice entailing disqualification for membership of the Legislature, unless such period has elapsed as may be specified in that behalf in the provisions of that Order or Act;

(*e*) if, whether before or after the commencement of this Part of this Act, he has been convicted of any other offence by a court in British India or in a State which is a Federated State and sentenced to transportation or to imprisonment for not less than two years, unless a period of five years, or such less period as the Governor, acting in his discretion, may allow in any particular case, has elapsed since his release;

(*f*) if, having been nominated as a candidate for the Federal or any Provincial Legislature or having acted as an election agent of any person so nominated, he has failed to lodge a return of election expenses within the time and in the manner required by any Order in Council made under this Act or by any Act of the Federal or the Provincial Legislature, unless five years have elapsed from the date by which the return ought to have been lodged or the Governor, acting in his discretion, has removed the disqualification:

Provided that a disqualification under paragraph (*f*) of this subsection shall not take effect until the expiration of one month from the date by which the return ought to have been lodged or of such longer period as the Governor, acting in his discretion, may in any particular case allow.

(2) A person shall not be capable of being chosen a member of a Chamber of a Provincial Legislature while he is serving a sentence of transportation or of imprisonment for a criminal offence.

(3) Where a person who, by virtue of a conviction or a conviction and a sentence, becomes disqualified by

PART III. —*cont.*

virtue of paragraph (*d*) or paragraph (*e*) of subsection (1) of this section is at the date of the disqualification a member of a Chamber, his seat shall, notwithstanding anything in this or the last preceding section, not become vacant by reason of the disqualification until three months have elapsed from the date thereof or, if within those three months an appeal or petition for revision is brought in respect of the conviction or the sentence, until that appeal or petition is disposed of, but during any period during which his membership is preserved by this subsection, he shall not sit or vote.

(4) For the purposes of this section a person shall not be deemed to hold an office of profit under the Crown in India by reason only that he is a minister either for the Federation or for a Province.

Penalty for sitting and voting when not qualified, or when disqualified.

70. If a person sits or votes as a member of a Provincial Legislative Assembly or Legislative Council when he is not qualified or is disqualified for membership thereof, or when he is prohibited from so doing by the provisions of subsection (3) of the last preceding section, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the Province.

Privileges, &c. of members.

71.—(1) Subject to the provisions of this Act and to rules and standing orders regulating the procedure of the Legislature, there shall be freedom of speech in every Provincial Legislature, and no member of the Legislature shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of a Chamber of such a Legislature of any report, paper, votes or proceedings.

(2) In other respects the privileges of members of a Chamber of a Provincial Legislature shall be such as may from time to time be defined by Act of the Provincial Legislature, and, until so defined, shall be such as were immediately before the commencement of this Part of this Act enjoyed by members of the Legislative Council of the Province.

(3) Nothing in any existing Indian law, and, notwithstanding anything in the foregoing provisions of this section, nothing in this Act, shall be construed as

conferring, or empowering any Legislature to confer, on a Chamber thereof or on both Chambers sitting together or any committee or officer of the Legislature, the status of a court, or any punitive or disciplinary powers other than the power to remove or exclude persons infringing the rules or standing orders, or otherwise behaving in a disorderly manner.

(4) Provision may be made by an Act of the Provincial Legislature for the punishment, on conviction before a court, of persons who refuse to give evidence or produce documents before a committee of a Chamber when duly required by the chairman of a committee so to do:

Provided that any such Act shall have effect subject to such rules for regulating the attendance before such committees of persons who are, or have been, in the service of the Crown in India, and safeguarding confidential matter from disclosure, as may be made by the Governor exercising his individual judgment.

(5) The provisions of subsections (1) and (2) of this section shall apply in relation to persons who by virtue of this Act have the right to speak in and otherwise take part in the proceedings of a Chamber as they apply in relation to members of the Legislature.

Salaries and allowances of members.

72. Members of Provincial Legislative Assemblies and Legislative Councils shall be entitled to receive such salaries and allowances as may from time to time be determined by Act of the Provincial Legislature, and until provision in that respect is so made, allowances at such rates and upon such conditions as were immediately before the commencement of this Part of this Act applicable in the case of members of the Legislative Council of the Province.

Legislative Procedure.

Introduction of Bills, &c.

73.—(1) Subject to the special provisions of this Part of this Act with respect to financial Bills, a Bill may originate in either Chamber of the Legislature of a Province which has a Legislative Council.

(2) A Bill pending in the Legislature of a Province shall not lapse by reason of the prorogation of the Chamber or Chambers thereof.

Part III. —*cont.*

(3) A Bill pending in the Legislative Council of a Province which has not been passed by the Legislative Assembly shall not lapse on a dissolution of the Assembly.

(4) A Bill which is pending in the Legislative Assembly of a Province, or which having been passed by the Legislative Assembly is pending in the Legislative Council, shall lapse on a dissolution of the Assembly.

Passing of Bills in Provinces having Legislative Councils.

74.—(1) Subject to the provisions of this section, a Bill shall not be deemed to have been passed by the Chambers of the Legislature of a Province having a Legislative Council, unless it has been agreed to by both Chambers, either without amendments or with such amendments only as are agreed to by both Chambers.

(2) If a Bill which has been passed by the Legislative Assembly and transmitted to the Legislative Council is not, before the expiration of twelve months from its reception by the Council, presented to the Governor for his assent, the Governor may summon the Chambers to meet in a joint sitting for the purpose of deliberating and voting on the Bill:

Provided that, if it appears to the Governor that the Bill relates to finance or affects the discharge of any of his special responsibilities, he may summon the Chambers to meet in a joint sitting for the purpose aforesaid notwithstanding that the said period of twelve months has not elapsed.

The functions of the Governor under the proviso to this subsection shall be exercised by him in his discretion.

(3) If at a joint sitting of the two Chambers summoned in accordance with the provisions of this section the Bill, with such amendments, if any, as are agreed to in joint sitting, is passed by a majority of the total number of members of both Chambers present and voting, it shall be deemed for the purposes of this Act to have been passed by both Chambers:

Provided that at a joint sitting—

(*a*) unless the Bill has been passed by the Legislative Council with amendments and returned to the Legislative Assembly, no amendment shall be proposed to the Bill other than such amendments, if any, as are made necessary by the delay in the passage of the Bill;

(*b*) if the Bill has been so passed and returned by the Legislative Council, only such amendments as aforesaid shall be proposed to the Bill and such other amendments as are relevant to the matters with respect to which the Chambers have not agreed,

and the decision of the person presiding as to the amendments which are admissible under this subsection shall be final.

Assent to Bills.

75. A Bill which has been passed by the Provincial Legislative Assembly or, in the case of a Province having a Legislative Council, has been passed by both Chambers of the Provincial Legislature, shall be presented to the Governor, and the Governor in his discretion shall declare either that he assents in His Majesty's name to the Bill, or that he withholds assent therefrom, or that he reserves the Bill for the consideration of the Governor-General:

Provided that the Governor may in his discretion return the Bill together with a message requesting that the Chamber or Chambers will reconsider the Bill or any specified provisions thereof and, in particular, will consider the desirability of introducing any such amendments as he may recommend in his message and, when a Bill is so returned, the Chamber or Chambers shall reconsider it accordingly.

Bills reserved for consideration.

76.—(1) When a Bill is reserved by a Governor for the consideration of the Governor-General, the Governor-General shall in his discretion declare, either that he assents in His Majesty's name to the Bill, or that he withholds assent therefrom, or that he reserves the Bill for the signification of His Majesty's pleasure thereon:

Provided that the Governor-General may, if he in his discretion thinks fit, direct the Governor to return the Bill to the Chamber, or, as the case may be, the Chambers, of the Provincial Legislature together with such a message as is mentioned in the proviso to the last preceding section and, when a Bill is so returned, the Chamber or Chambers shall reconsider it accordingly and, if it is again passed by them with or without amendment, it shall be presented again to the Governor-General for his consideration.

PART III. —*cont.*

(2) A Bill reserved for the signification of His Majesty's pleasure shall not become an Act of the Provincial Legislature unless and until, within twelve months from the day on which it was presented to the Governor, the Governor makes known by public notification that His Majesty has assented thereto.

Power of Crown to disallow Acts.

77. Any Act assented to by the Governor or the Governor-General may be disallowed by His Majesty within twelve months from the date of the assent, and where any Act is so disallowed the Governor shall forthwith make the disallowance known by public notification and as from the date of the notification the Act shall become void.

Procedure in Financial matters.

Annual financial statement.

78.—(1) The Governor shall in respect of every financial year cause to be laid before the Chamber or Chambers of the Legislature a statement of the estimated receipts and expenditure of the Province for that year, in this Part of this Act referred to as the " annual financial statement."

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

(*a*) the sums required to meet expenditure described by this Act as expenditure charged upon the revenues of the Province; and

(*b*) the sums required to meet other expenditure proposed to be made from the revenues of the Province,

and shall distinguish expenditure on revenue account from other expenditure, and indicate the sums, if any, which are included solely because the Governor has directed their inclusion as being necessary for the due discharge of any of his special responsibilities.

(3) The following expenditure shall be expenditure charged on the revenues of each Province—

(*a*) the salary and allowances of the Governor and other expenditure relating to his office for which provision is required to be made by Order in Council;

(*b*) debt charges for which the Province is liable, including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;

(*c*) the salaries and allowances of ministers, and of the Advocate-General;

(*d*) expenditure in respect of the salaries and allowances of judges of any High Court;

(*e*) expenditure connected with the administration of any areas which are for the time being excluded areas;

(*f*) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal;

(*g*) any other expenditure declared by this Act or any Act of the Provincial Legislature to be so charged.

(4) Any question whether any proposed expenditure falls within a class of expenditure charged on the revenues of the Province shall be decided by the Governor in his discretion.

Procedure in Legislature with respect to estimates.

79.—(1) So much of the estimates of expenditure as relates to expenditure charged upon the revenues of a Province shall not be submitted to the vote of the Legislative Assembly, but nothing in this subsection shall be construed as preventing the discussion in the Legislature of those estimates, other than estimates relating to expenditure referred to in paragraph (*a*) of subsection (3) of the last preceding section.

(2) So much of the said estimates as relates to other expenditure shall be submitted, in the form of demands for grants, to the Legislative Assembly, and the Legislative Assembly shall have power to assent, or to refuse to assent, to any demand, or to assent to a demand subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the Governor.

Authentication of schedule of authorised expenditure.

80.—(1) The Governor shall authenticate by his signature a schedule specifying—

(*a*) the grants made by the Assembly under the last preceding section;

(*b*) the several sums required to meet the expenditure charged on the revenues of the Province but not exceeding, in the case of any sum, the sum shown in the statement previously laid before the Chamber or Chambers:

Provided that, if the Assembly have refused to assent to any demand for a grant or have assented to such a demand subject to a reduction of the amount specified therein, the Governor may, if in his opinion the refusal or reduction would affect the due discharge of any of his special responsibilities, include in the schedule such additional amount, if any, not exceeding the amount of the rejected demand or the reduction, as the case may be, as appears to him necessary in order to enable him to discharge that responsibility.

(2) The schedule so authenticated shall be laid before the Assembly but shall not be open to discussion or vote in the Legislature.

(3) Subject to the provisions of the next succeeding section, no expenditure from the revenues of the Province shall be deemed to be duly authorised unless it is specified in the schedule so authenticated.

Supplementary statements of expenditure.

81. If in respect of any financial year further expenditure from the revenues of the Province becomes necessary over and above the expenditure theretofore authorised for that year, the Governor shall cause to be laid before the Chamber or Chambers a supplementary statement showing the estimated amount of that expenditure, and the provisions of the preceding sections shall have effect in relation to that statement and that expenditure as they have effect in relation to the annual financial statement and the expenditure mentioned therein.

Special provisions as to financial Bills.

82.—(1) A Bill or amendment making provision—

(*a*) for imposing or increasing any tax; or

(*b*) for regulating the borrowing of money or the giving of any guarantee by the Province, or for amending the law with respect to any financial obligations undertaken or to be undertaken by the Province; or

(*c*) for declaring any expenditure to be expenditure charged on the revenues of the Province, or for increasing the amount of any such expenditure, shall not be introduced or moved except on the recommendation of the Governor, and a Bill making such provision shall not be introduced in a Legislative Council.

(2) A Bill or amendment shall not be deemed to make provision for any of the purposes aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand and payment of fees for licences or fees for services rendered.

(3) A Bill which, if enacted and brought into operation, would involve expenditure from the revenues of a Province shall not be passed by a Chamber of the Legislature unless the Governor has recommended to that Chamber the consideration of the Bill.

Provisions with respect to certain educational grants.

83.—(1) If in the last complete financial year before the commencement of this Part of this Act a grant for the benefit of the Anglo-Indian and European communities or either of them was included in the grants made in any Province for education, then in each subsequent financial year, not being a year in which the Provincial Legislative Assembly otherwise resolve by a majority which includes at least three-fourths of the members of the Assembly, a grant shall be made for the benefit of the said community or communities not less in amount than the average of the grants made for its or their benefit in the ten financial years ending on the thirty-first day of March, nineteen hundred and thirty-three:

Provided that, if in any financial year the total grant for education in the Province is less than the average of the total grants for education in the Province in the said ten financial years, then, whatever fraction the former may be of the latter, any grant made under this subsection in that financial year for the benefit of the said community or communities need not exceed that fraction of the average of the grants made for its or their benefit in the said ten financial years.

In computing for the purposes of this subsection the amount of any grants, grants for capital purposes shall be included.

PART III. —*cont.*

(2) The provisions of this section shall cease to have effect in a Province if at any time the Provincial Legislative Assembly resolve by a majority which includes at least three-fourths of the members of the Assembly that those provisions shall cease to have effect.

(3) Nothing in this section affects the special responsibility of the Governor of a Province for the safeguarding of the legitimate interests of minorities.

Procedure generally.

Rules of procedure.

84.—(1) A Chamber of a Provincial Legislature may make rules for regulating, subject to the provisions of this Act, their procedure and the conduct of their business:

Provided that, as regards either a Legislative Assembly or a Legislative Council, the Governor shall in his discretion, after consultation with the Speaker or the President, as the case may be, make rules—

(*a*) for regulating the procedure of, and the conduct of business in, the Chamber in relation to any matter which affects the discharge of his functions in so far as he is by or under this Act required to act in his discretion or to exercise his individual judgment;

(*b*) for securing the timely completion of financial business;

(*c*) for prohibiting the discussion of, or the asking of questions on, any matter connected with any Indian State unless the Governor in his discretion is satisfied that the matter affects the interests of the Provincial Government or of a British subject ordinarily resident in the Province, and has given his consent to the matter being discussed, or to the question being asked;

(*d*) for prohibiting, save with the consent of the Governor in his discretion—

(i) the discussion of or the asking of questions on any matter connected with relations between His Majesty or the Governor-General and any foreign State or Prince; or

(ii) the discussion, except in relation to estimates of expenditure, of, or the asking of questions on, any matters connected with the tribal areas or arising out of or affecting the administration of an excluded area; or

(iii) the discussion of, or the asking of questions on, the personal conduct of the Ruler of any Indian State or of a member of the ruling family thereof;

and, if and in so far as any rule so made by the Governor is inconsistent with any rule made by a Chamber, the rule made by the Governor shall prevail.

(2) In a Province having a Legislative Council the Governor, after consultation with the Speaker and the President, may make rules as to the procedure with respect to joint sittings of, and communications between, the two Chambers.

The said rules shall make such provision for the purposes specified in the proviso to the preceding sub-section as the Governor in his discretion may think fit.

(3) Until rules are made under this section the rules of procedure and standing orders in force immediately before the commencement of this Part of this Act with respect to the Legislative Council of the Province shall have effect in relation to the Legislature of the Province, subject to such modifications and adaptations as may be made therein by the Governor acting in his discretion.

(4) At a joint sitting of two Chambers the President of the Legislative Council, or in his absence such person as may be determined by rules of procedure made under this section, shall preside.

English to be used in Provincial Legislatures.

85. All proceedings in the Legislature of a Province shall be conducted in the English language:

Provided that the rules of procedure of the Chamber or Chambers, and the rules, if any, with respect to joint sittings, shall provide for enabling persons unacquainted, or not sufficiently acquainted, with the English language to use another language.

Restrictions on discussion in the Legislature.

86.—(1) No discussion shall take place in a Provincial Legislature with respect to the conduct of any judge of the Federal Court or of a High Court in the discharge of his duties.

PART III. —*cont.*

In this subsection the reference to a High Court shall be construed as including a reference to a court in a Federated State which is a High Court for any of the purposes of Part IX of this Act.

(2) If the Governor in his discretion certifies that the discussion of a Bill introduced or proposed to be introduced in the Provincial Legislature, or of any specified clause of a Bill, or of any amendment moved or proposed to be moved to a Bill, would affect the discharge of his special responsibility for the prevention of any grave menace to the peace or tranquillity of the Province or any part thereof, he may in his discretion direct that no proceedings, or no further proceedings, shall be taken in relation to the Bill, clause or amendment, and effect shall be given to the direction.

Courts not to inquire into proceedings of the Legislature.

87.—(1) The validity of any proceedings in a Provincial Legislature shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or other member of a Provincial Legislature in whom powers are vested by or under this Act for regulating procedure or the conduct of business, or for maintaining order, in the Legislature shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

CHAPTER IV.

LEGISLATIVE POWERS OF GOVERNOR.

Power of Governor to promulgate ordinances during recess of Legislature.

88.—(1) If at any time when the Legislature of a Province is not in session the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such ordinances as the circumstances appear to him to require:

Provided that the Governor—

(*a*) shall exercise his individual judgment as respects the promulgation of any ordinance under this section, if a Bill containing the same provisions would under this Act have required his or the Governor-General's previous sanction to the introduction thereof into the Legislature; and (*b*) shall not without instructions from the Governor-General, acting in his discretion, promulgate any such ordinance, if a Bill containing the same provisions would under this Act have required the Governor-General's previous sanction for the introduction thereof into the Legislature, or if he would have deemed it necessary to reserve a Bill containing the same provisions for the consideration of the Governor-General.

(2) An ordinance promulgated under this section shall have the same force and effect as an Act of the Provincial Legislature assented to by the Governor, but every such ordinance—

(*a*) shall be laid before the Provincial Legislature and shall cease to operate at the expiration of six weeks from the reassembly of the Legislature, or, if a resolution disapproving it is passed by the Legislative Assembly and agreed to by the Legislative Council, if any, upon the passing of the resolution or, as the case may be, on the resolution being agreed to by the Council;

(*b*) shall be subject to the provisions of this Act relating to the power of His Majesty to disallow Acts as if it were an Act of the Provincial Legislature assented to by the Governor; and

(*c*) may be withdrawn at any time by the Governor.

(3) If and so far as an ordinance under this section makes any provision which would not be valid if enacted in an Act of the Provincial Legislature assented to by the Governor, it shall be void.

Power of Governor to promulgate ordinances at any time with respect to certain subjects.

89.—(1) If at any time the Governor of a Province is satisfied that circumstances exist which render it necessary for him to take immediate action for the purpose of enabling him satisfactorily to discharge his functions in so far as he is by or under this Act required in the exercise thereof to act in his discretion, or to exercise his individual judgment, he may promulgate such ordinances as in his opinion the circumstances of the case require.

(2) An ordinance promulgated under this section shall continue in operation for such period not exceeding six months as may be specified therein, but may by a

Part III. —*cont.*

subsequent ordinance be extended for a further period not exceeding six months.

(3) An ordinance promulgated under this section shall have the same force and effect as an Act of the Provincial Legislature assented to by the Governor, but every such ordinance—

(*a*) shall be subject to the provisions of this Act relating to the power of His Majesty to disallow Acts as if it were an Act of the Provincial Legislature;

(*b*) may be withdrawn at any time by the Governor; and

(*c*) if it is an ordinance extending a previous ordinance for a further period, shall be communicated forthwith through the Governor-General to the Secretary of State and shall be laid by him before each House of Parliament.

(4) If and so far as an ordinance under this section makes any provision which would not be valid if enacted in an Act of the Provincial Legislature, it shall be void:

Provided that for the purposes of the provisions of this Act relating to the effect of an Act of a Provincial Legislature which is repugnant to an Act of the Federal Legislature, an ordinance promulgated under this section shall be deemed to be an Act of the Provincial Legislature which has been reserved for the consideration of the Governor-General and assented to by him.

(5) The functions of the Governor under this section shall be exercised by him in his discretion but he shall not exercise any of his powers thereunder except with the concurrence of the Governor-General in his discretion:

Provided that, if it appears to the Governor that it is impracticable to obtain in time the concurrence of the Governor-General, he may promulgate an ordinance without the concurrence of the Governor-General, but in that case the Governor-General in his discretion may direct the Governor to withdraw the ordinance and the ordinance shall be withdrawn accordingly.

Power of Governor in certain circumstances to enact Acts.

90.—(1) If at any time it appears to the Governor that, for the purpose of enabling him satisfactorily to discharge his functions in so far as he is by or under this Act required in the exercise thereof to act in his

Part III. —cont.

discretion or to exercise his individual judgment, it is essential that provision should be made by legislation, he may by message to the Chamber or Chambers of the Legislature explain the circumstances which in his opinion render legislation essential, and either—

(a) enact forthwith as a Governor's Act a Bill containing such provisions as he considers necessary; or

(b) attach to his message a draft of the Bill which he considers necessary.

(2) Where the Governor takes such action as is mentioned in paragraph (b) of the preceding subsection, he may, at any time after the expiration of one month, enact, as a Governor's Act, the Bill proposed by him to the Chamber or Chambers either in the form of the draft communicated to them, or with such amendments as he deems necessary, but before so doing he shall consider any address which may have been presented to him within the said period by the Chamber or either of the Chambers with reference to the Bill or to amendments suggested to be made therein.

(3) A Governor's Act shall have the same force and effect, and shall be subject to disallowance in the same manner, as an Act of the Provincial Legislature assented to by the Governor and, if and so far as it makes any provision which would not be valid if enacted in an Act of that Legislature, shall be void:

Provided that, for the purposes of the provisions of this Act relating to the effect of an Act of a Provincial Legislature which is repugnant to an Act of the Federal Legislature, a Governor's Act shall be deemed to be an Act reserved for the consideration of the Governor-General and assented to by him.

(4) Every Governor's Act shall be communicated forthwith through the Governor-General to the Secretary of State and shall be laid by him before each House of Parliament.

(5) The functions of the Governor under this section shall be exercised by him in his discretion, but he shall not exercise any of his powers thereunder except with the concurrence of the Governor-General in his discretion.

CHAPTER V.

EXCLUDED AREAS AND PARTIALLY EXCLUDED AREAS.

Excluded areas and partially excluded areas.

91.—(1) In this Act the expressions "excluded area" and "partially excluded area" mean respectively such areas as His Majesty may by Order in Council declare to be excluded areas or partially excluded areas.

The Secretary of State shall lay the draft of the Order which it is proposed to recommend His Majesty to make under this subsection before Parliament within six months from the passing of this Act.

(2) His Majesty may at any time by Order in Council—

(*a*) direct that the whole or any specified part of an excluded area shall become, or become part of, a partially excluded area;

(*b*) direct that the whole or any specified part of a partially excluded area shall cease to be a partially excluded area or a part of such an area;

(*c*) alter, but only by way of rectification of boundaries, any excluded or partially excluded area;

(*d*) on any alteration of the boundaries of a Province, or the creation of a new Province, declare any territory not previously included in any Province to be, or to form part of, an excluded area or a partially excluded area,

and any such Order may contain such incidental and consequential provisions as appear to His Majesty to be necessary and proper, but save as aforesaid the Order in Council made under subsection (1) of this section shall not be varied by any subsequent Order.

Administration of excluded areas and partially excluded areas.

92.—(1) The executive authority of a Province extends to excluded and partially excluded areas therein, but, notwithstanding anything in this Act, no Act of the Federal Legislature or of the Provincial Legislature, shall apply to an excluded area or a partially excluded area, unless the Governor by public notification so directs, and the Governor in giving such a direction with respect to any Act may direct that the Act shall in its application to the area, or to any specified part thereof, have effect subject to such exceptions or modifications as he thinks fit.

(2) The Governor may make regulations for the peace and good government of any area in a Province which is for the time being an excluded area, or a partially excluded area, and any regulations so made may repeal or amend any Act of the Federal Legislature or of the Provincial Legislature, or any existing Indian law, which is for the time being applicable to the area in question.

Regulations made under this subsection shall be submitted forthwith to the Governor-General and until assented to by him in his discretion shall have no effect, and the provisions of this Part of this Act with respect to the power of His Majesty to disallow Acts shall apply in relation to any such regulations assented to by the Governor-General as they apply in relation to Acts of a Provincial Legislature assented to by him.

(3) The Governor shall, as respects any area in a Province which is for the time being an excluded area, exercise his functions in his discretion.

CHAPTER VI.

Provisions in case of Failure of Constitutional Machinery.

Power of Governor to issue Proclamations.

93.—(1) If at any time the Governor of a Province is satisfied that a situation has arisen in which the government of the Province cannot be carried on in accordance with the provisions of this Act, he may by Proclamation—

(*a*) declare that his functions shall, to such extent as may be specified in the Proclamation, be exercised by him in his discretion;

(*b*) assume to himself all or any of the powers vested in or exercisable by any Provincial body or authority;

and any such Proclamation may contain such incidental and consequential provisions as may appear to him to be necessary or desirable for giving effect to the objects of the

Proclamation, including provisions for suspending in whole or in part the operation of any provisions of this Act relating to any Provincial body or authority :

Provided that nothing in this subsection shall authorise the Governor to assume to himself any of the powers vested in or exercisable by a High Court, or to suspend, either in whole or in part, the operation of any provision of this Act relating to High Courts.

(2) Any such Proclamation may be revoked or varied by a subsequent Proclamation.

(3) A Proclamation under this section—

(*a*) shall be communicated forthwith to the Secretary of State and shall be laid by him before each House of Parliament;

(*b*) unless it is a Proclamation revoking a previous Proclamation, shall cease to operate at the expiration of six months :

Provided that, if and so often as a resolution approving the continuance in force of such a Proclamation is passed by both Houses of Parliament, the Proclamation shall, unless revoked, continue in force for a further period of twelve months from the date on which under this subsection it would otherwise have ceased to operate, but no such Proclamation shall in any case remain in force for more than three years.

(4) If the Governor, by a Proclamation under this section, assumes to himself any power of the Provincial Legislature to make laws, any law made by him in the exercise of that power shall, subject to the terms thereof, continue to have effect until two years have elapsed from the date on which the Proclamation ceases to have effect, unless sooner repealed or re-enacted by Act of the appropriate Legislature, and any reference in this Act to Provincial Acts, Provincial laws, or Acts or laws of a Provincial Legislature shall be construed as including a reference to such a law.

(5) The functions of the Governor under this section shall be exercised by him in his discretion and no Proclamation shall be made by a Governor under this section without the concurrence of the Governor-General in his discretion.

PART IV.

THE CHIEF COMMISSIONERS' PROVINCES.

Chief Commissioners' Provinces.

94.—(1) The following shall be the Chief Commissioners' Provinces, that is to say, the heretofore existing Chief Commissioners' Provinces of British Baluchistan, Delhi, Ajmer-Merwara, Coorg and the Andaman and Nicobar Islands, the area known as Panth Piploda, and such other Chief Commissioners' Provinces as may be created under this Act.

(2) Aden shall cease to be part of India.

(3) A Chief Commissioner's Province shall be administered by the Governor-General acting, to such extent as he thinks fit, through a Chief Commissioner to be appointed by him in his discretion.

British Baluchistan.

95.—(1) In directing and controlling the administration of British Baluchistan, the Governor-General shall act in his discretion.

(2) The executive authority of the Federation extends to British Baluchistan as it extends to other Chief Commissioners' Provinces, but, notwithstanding anything in this Act, no Act of the Federal Legislature shall apply to British Baluchistan unless the Governor-General in his discretion by public notification so directs, and the Governor-General in giving such a direction with respect to any Act may direct that the Act shall in its application to the Province, or to any specified part thereof, have effect subject to such exceptions or modifications as he thinks fit.

(3) The Governor-General may in his discretion make regulations for the peace and good government of British Baluchistan, and any regulations so made may repeal or amend any Act of the Federal Legislature or any existing Indian law which is for the time being applicable to the Province and, when promulgated by the Governor-General, shall have the same force and effect as an Act of the Federal Legislature which applies to the Province.

The provisions of Part II of this Act relating to the power of His Majesty to disallow Acts shall apply in relation to any such regulations as they apply in relation to Acts of the Federal Legislature assented to by the Governor-General.

Part IV. —*cont.*

The Andaman and Nicobar Islands.

96. The provisions of subsection (3) of the last preceding section shall apply in relation to the Andaman and Nicobar Islands as they apply in relation to British Baluchistan.

Coorg.

97. Until other provision is made by His Majesty in Council, the constitution, powers and functions of the Coorg Legislative Council, and the arrangements with respect to revenues collected in Coorg and expenses in respect of Coorg, shall continue unchanged.

Provisions as to police rules &c. and as to crimes of violence intended to overthrow the Government.

98. The provisions of Part III of this Act with respect to police rules and with respect to crimes of violence intended to overthrow the government, including the provisions thereof relating to the non-disclosure of certain records and information, shall apply in relation to Chief Commissioners' Provinces as they apply in relation to Governors' Provinces, with the substitution for references to the Governor and the Chamber or Chambers of the Provincial Legislature of references to the Governor-General and the Chambers of the Federal Legislature.

PART V.

LEGISLATIVE POWERS.

CHAPTER I.

Distribution of Powers.

Extent of Federal and Provincial laws.

99.—(1) Subject to the provisions of this Act, the Federal Legislature may make laws for the whole or any part of British India or for any Federated State, and a Provincial Legislature may make laws for the Province or for any part thereof.

(2) Without prejudice to the generality of the powers conferred by the preceding subsection, no Federal law shall, on the ground that it would have extra territorial operation, be deemed to be invalid in so far as it applies—

(*a*) to British subjects and servants of the Crown in any part of India; or

(*b*) to British subjects who are domiciled in any part of India wherever they may be; or (*c*) to, or to persons on, ships or aircraft registered in British India or any Federated State wherever they may be; or

(*d*) in the case of a law with respect to a matter accepted in the Instrument of Accession of a Federated State as a matter with respect to which the Federal Legislature may make laws for that State, to subjects of that State wherever they may be; or

(*e*) in the case of a law for the regulation or discipline of any naval, military, or air force raised in British India, to members of, and persons attached to, employed with or following, that force, wherever they may be.

Subject matter of Federal and Provincial laws.

100.—(1) Notwithstanding anything in the two next succeeding subsections, the Federal Legislature has, and a Provincial Legislature has not, power to make laws with respect to any of the matters enumerated in List I in the Seventh Schedule to this Act (hereinafter called the " Federal Legislative List ").

(2) Notwithstanding anything in the next succeeding subsection, the Federal Legislature, and, subject to the preceding subsection, a Provincial Legislature also, have power to make laws with respect to any of the matters enumerated in List III in the said Schedule (hereinafter called the " Concurrent Legislative List ").

(3) Subject to the two preceding subsections, the Provincial Legislature has, and the Federal Legislature has not, power to make laws for a Province or any part thereof with respect to any of the matters enumerated in List II in the said Schedule (hereinafter called the " Provincial Legislative List ").

(4) The Federal Legislature has power to make laws with respect to matters enumerated in the Provincial Legislative List except for a Province or any part thereof.

Extent of power to legislate for States.

101. Nothing in this Act shall be construed as empowering the Federal Legislature to make laws for a Federated State otherwise than in accordance with the Instrument of Accession of that State and any limitations contained therein.

PART V. —*cont.*

Power of Federal Legislature to legislate if an emergency is proclaimed.

102.—(1) Notwithstanding anything in the preceding sections of this chapter, the Federal Legislature shall, if the Governor-General has in his discretion declared by Proclamation (in this Act referred to as a "Proclamation of Emergency") that a grave emergency exists whereby the security of India is threatened, whether by war or internal disturbance, have power to make laws for a Province or any part thereof with respect to any of the matters enumerated in the Provincial Legislative List:

Provided that no Bill or amendment for the purposes aforesaid shall be introduced or moved without the previous sanction of the Governor-General in his discretion, and the Governor-General shall not give his sanction unless it appears to him that the provision proposed to be made is a proper provision in view of the nature of the emergency.

(2) Nothing in this section shall restrict the power of a Provincial Legislature to make any law which under this Act it has power to make, but if any provision of a Provincial law is repugnant to any provision of a Federal law which the Federal Legislature has under this section power to make, the Federal law, whether passed before or after the Provincial law, shall prevail, and the Provincial law shall to the extent of the repugnancy, but so long only as the Federal law continues to have effect, be void.

(3) A Proclamation of Emergency—

(*a*) may be revoked by a subsequent Proclamation;

(*b*) shall be communicated forthwith to the Secretary of State and shall be laid by him before each House of Parliament; and

(*c*) shall cease to operate at the expiration of six months, unless before the expiration of that period it has been approved by Resolutions of both Houses of Parliament.

(4) A law made by the Federal Legislature which that Legislature would not but for the issue of a Proclamation of Emergency have been competent to make shall cease to have effect on the expiration of a period of six months after the Proclamation has ceased to operate, except as respects things done or omitted to be done before the expiration of the said period.

PART V. —*cont.*

Power of Federal Legislature to legislate for two or more Provinces by consent.

103. If it appears to the Legislatures of two or more Provinces to be desirable that any of the matters enumerated in the Provincial Legislative List should be regulated in those Provinces by Act of the Federal Legislature, and if resolutions to that effect are passed by all the Chambers of those Provincial Legislatures, it shall be lawful for the Federal Legislature to pass an Act for regulating that matter accordingly, but any Act so passed may, as respects any Province to which it applies, be amended or repealed by an Act of the Legislature of that Province.

Residual powers of legislation.

104.—(1) The Governor-General may by public notification empower either the Federal Legislature or a Provincial Legislature to enact a law with respect to any matter not enumerated in any of the Lists in the Seventh Schedule to this Act, including a law imposing a tax not mentioned in any such list, and the executive authority of the Federation or of the Province, as the case may be, shall extend to the administration of any law so made, unless the Governor-General otherwise directs.

(2) In the discharge of his functions under this section the Governor-General shall act in his discretion.

Application of Naval Discipline Act to Indian naval forces.

105.—(1) Without prejudice to the provisions of this Act with respect to the legislative powers of the Federal Legislature, provision may be made by Act of that Legislature for applying the Naval Discipline Act to the Indian naval forces and, so long as provision for that purpose is made either by an Act of the Federal Legislature or by an existing Indian law, the Naval Discipline Act as so applied shall have effect as if references therein to His Majesty's navy and His Majesty's ships included references to His Majesty's Indian navy and the ships thereof, subject however—

(*a*) in the application of the said Act to the forces and ships of the Indian navy and to the trial by court martial of officers and men belonging thereto, to such modifications and adaptations, if any, as may be, or may have been, made by the Act of the Federal or Indian Legislature to adapt the said Act to the circumstances of India, including such adaptations as may be, or may have been, so made for the purpose of

PART V. —*cont.*

authorising or requiring anything which under the said Act is to be done by or to the Admiralty, or the Secretary of the Admiralty, to be done by or to the Governor-General, or some person authorised to act on his behalf; and

(*b*) in the application of the said Act to the forces and ships of His Majesty's navy other than those of the Indian navy, to such modifications and adaptations as may be made, or may have been made under section sixty-six of the Government of India Act, by His Majesty in Council for the purpose of regulating the relations of those forces and ships to the forces and the ships of the Indian navy.

(2) Notwithstanding anything in this Act or in any Act of any Legislature in India, where any forces and ships of the Indian navy have been placed at the disposal of the Admiralty, the Naval Discipline Act shall have effect as if references therein to His Majesty's navy and His Majesty's ships included references to His Majesty's Indian navy and the ships thereof, without any such modifications or adaptations as aforesaid.

Provisions as to legislation for giving effect to international agreements.

106.—(1) The Federal Legislature shall not by reason only of the entry in the Federal Legislative List relating to the implementing of treaties and agreements with other countries have power to make any law for any Province except with the previous consent of the Governor, or for a Federated State except with the previous consent of the Ruler thereof.

(2) So much of any law as is valid only by virtue of any such entry as aforesaid may be repealed by the Federal Legislature and may, on the treaty or agreement in question ceasing to have effect, be repealed as respects any Province or State by a law of that Province or State.

(3) Nothing in this section applies in relation to any law which the Federal Legislature has power to make for a Province or, as the case may be, a Federated State, by virtue of any other entry in the Federal or the Concurrent Legislative List as well as by virtue of the said entry.

Inconsistency between Federal laws and

107.—(1) If any provision of a Provincial law is repugnant to any provision of a Federal law which the Federal Legislature is competent to enact or to any provision of an existing Indian law with respect to one

Provincial, or State, laws.

of the matters enumerated in the Concurrent Legislative List, then, subject to the provisions of this section, the Federal law, whether passed before or after the Provincial law, or, as the case may be, the existing Indian law, shall prevail and the Provincial law shall, to the extent of the repugnancy, be void.

(2) Where a Provincial law with respect to one of the matters enumerated in the Concurrent Legislative List contains any provision repugnant to the provisions of an earlier Federal law or an existing Indian law with respect to that matter, then, if the Provincial law, having been reserved for the consideration of the Governor-General or for the signification of His Majesty's pleasure, has received the assent of the Governor-General or of His Majesty, the Provincial law shall in that Province prevail, but nevertheless the Federal Legislature may at any time enact further legislation with respect to the same matter:

Provided that no Bill or amendment for making any provision repugnant to any Provincial law, which, having been so reserved, has received the assent of the Governor-General or of His Majesty, shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion.

(3) If any provision of a law of a Federated State is repugnant to a Federal law which extends to that State, the Federal law, whether passed before or after the law of the State, shall prevail and the law of the State shall, to the extent of the repugnancy, be void.

CHAPTER II.

Restrictions on Legislative Powers.

Sanction of Governor-General or Governor required for certain legislative proposals.

108.—(1) Unless the Governor-General in his discretion thinks fit to give his previous sanction, there shall not be introduced into, or moved in, either Chamber of the Federal Legislature, any Bill or amendment which—

(*a*) repeals, amends or is repugnant to any provisions of any Act of Parliament extending to British India; or

(*b*) repeals, amends or is repugnant to any Governor-General's or Governor's Act, or any ordinance promulgated in his discretion by the Governor-General or a Governor; or

(*c*) affects matters as respects which the Governor-General is, by or under this Act, required to act in his discretion; or

(*d*) repeals, amends or affects any Act relating to any police force; or

(*e*) affects the procedure for criminal proceedings in which European British subjects are concerned; or

(*f*) subjects persons not resident in British India to greater taxation than persons resident in British India or subjects companies not wholly controlled and managed in British India to greater taxation than companies wholly controlled and managed therein; or

(*g*) affects the grant of relief from any Federal tax on income in respect of income taxed or taxable in the United Kingdom.

(2) Unless the Governor-General in his discretion thinks fit to give his previous sanction, there shall not be introduced into, or moved in, a Chamber of a Provincial Legislature any Bill or amendment which—

(*a*) repeals, amends, or is repugnant to any provisions of any Act of Parliament extending to British India; or

(*b*) repeals, amends or is repugnant to any Governor-General's Act, or any ordinance promulgated in his discretion by the Governor-General; or

(*c*) affects matters as respects which the Governor-General is by or under this Act, required to act in his discretion; or

(*d*) affects the procedure for criminal proceedings in which European British subjects are concerned;

and unless the Governor of the Province in his discretion thinks fit to give his previous sanction, there shall not be introduced or moved any Bill or amendment which—

(i) repeals, amends or is repugnant to any Governor's Act, or any ordinance promulgated in his discretion by the Governor; or

(ii) repeals, amends or affects any Act relating to any police force.

(3) Nothing in this section affects the operation of any other provision in this Act which requires the previous sanction of the Governor-General or of a Governor to the introduction of any Bill or the moving of any amendment.

Requirements as to sanctions and recommendations to be regarded as matters of procedure only.

109.—(1) Where under any provision of this Act the previous sanction or recommendation of the Governor-General or of a Governor is required to the introduction or passing of a Bill or the moving of an amendment, the giving of the sanction or recommendation shall not be construed as precluding him from exercising subsequently in regard to the Bill in question any powers conferred upon him by this Act with respect to the withholding of assent to, or the reservation of, Bills.

(2) No Act of the Federal Legislature or a Provincial Legislature, and no provision in any such Act, shall be invalid by reason only that some previous sanction or recommendation was not given, if assent to that Act was given—

(*a*) where the previous sanction or recommendation required was that of the Governor, either by the Governor, by the Governor-General, or by His Majesty;

(*b*) where the previous sanction or recommendation required was that of the Governor-General, either by the Governor-General or by His Majesty.

Savings.

110. Nothing in this Act shall be taken—

(*a*) to affect the power of Parliament to legislate for British India, or any part thereof; or

(*b*) to empower the Federal Legislature, or any Provincial Legislature—

(i) to make any law affecting the Sovereign or the Royal Family, or the Succession to the Crown, or the sovereignty, dominion or suzerainty of the Crown in any part of India, or the law of British nationality, or the Army Act, the Air Force Act, or the Naval Discipline Act, or the law of Prize or Prize courts; or

(ii) except in so far as is expressly permitted by any subsequent provisions of this Act, to make any law amending any

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provision of this Act, or any Order in Council made thereunder, or any rules made under this Act by the Secretary of State, or by the Governor-General or a Governor in his discretion, or in the exercise of his individual judgment; or

(iii) except in so far as is expressly permitted by any subsequent provisions of this Act, to make any law derogating from any prerogative right of His Majesty to grant special leave to appeal from any court.

CHAPTER III.

PROVISIONS WITH RESPECT TO DISCRIMINATION, &C.

British subjects domiciled in the United Kingdom.

111.—(1) Subject to the provisions of this chapter, a British subject domiciled in the United Kingdom shall be exempt from the operation of so much of any Federal or Provincial law as—

(*a*) imposes any restriction on the right of entry into British India; or

(*b*) imposes by reference to place of birth, race, descent, language, religion, domicile, residence or duration of residence, any disability, liability, restriction or condition in regard to travel, residence, the acquisition, holding, or disposal of property, the holding of public office, or the carrying on of any occupation, trade, business or profession:

Provided that no person shall by virtue of this subsection be entitled to exemption from any such restriction, condition, liability or disability as aforesaid if and so long as British subjects domiciled in British India are by or under the law of the United Kingdom subject in the United Kingdom to a like restriction, condition, liability, or disability imposed in regard to the same subject matter by reference to the same principle of distinction.

(2) For the purposes of the preceding subsection, a provision, whether of the law of British India or of the law of the United Kingdom, empowering any public authority to impose quarantine regulations, or to exclude

or deport individuals, wherever domiciled, who appear to that authority to be undesirable persons, shall not be deemed to be a restriction on the right of entry.

(3) Notwithstanding anything in this section, if the Governor-General or, as the case may be, the Governor of any Province, by public notification certifies that for the prevention of any grave menace to the peace or tranquillity of any part of India or, as the case may be, of any part of the Province, or for the purpose of combating crimes of violence intended to overthrow the Government, it is expedient that the operation of the provisions of subsection (1) of this section should be wholly or partially suspended in relation to any law, then while the notification is in force the operation of those provisions shall be suspended accordingly.

The functions of the Governor-General and of a Governor under this subsection shall be exercised by him in his discretion.

Taxation.

112.—(1) No Federal or Provincial law which imposes any liability to taxation shall be such as to discriminate against British subjects domiciled in the United Kingdom or Burma or companies incorporated, whether before or after the passing of this Act, by or under the laws of the United Kingdom or Burma, and any law passed or made in contravention of this section shall, to the extent of the contravention, be invalid.

(2) Without prejudice to the generality of the foregoing provisions, a law shall be deemed to be such as to discriminate against such persons or companies as aforesaid if it would result in any of them being liable to greater taxation than that to which they would be liable if domiciled in British India or incorporated by or under the laws of British India, as the case may be.

(3) For the purposes of this section a company incorporated before the commencement of Part III of this Act under any existing Indian law and registered thereunder in Burma shall be deemed to be a company incorporated by or under the laws of Burma.

Companies incorporated in the United Kingdom.

113.—(1) Subject to the following provisions of this chapter, a company incorporated, whether before or after the passing of this Act, by or under the laws of the United Kingdom, and the members of the governing body of any such company and the holders of its shares,

Part V. —*cont.*

stock, debentures, debenture stock or bonds, and its officers, agents, and servants, shall be deemed to comply with so much of any Federal or Provincial law as imposes in regard to companies carrying on or proposing to carry on business in British India requirements or conditions relating to or connected with—

(*a*) the place of incorporation of a company or the situation of its registered office, or the currency in which its capital or loan capital is expressed; or

(*b*) the place of birth, race, descent, language, religion, domicile, residence or duration of residence of members of the governing body of a company, or of the holders of its shares, stock, debentures, debenture stock or bonds, or of its officers, agents or servants :

Provided that no company or person shall by virtue of this section be deemed to comply with any such requirement or condition as aforesaid if and so long as a like requirement or condition is imposed by or under the law of the United Kingdom in regard to companies incorporated by or under the laws of British India and carrying on or proposing to carry on business in the United Kingdom.

(2) If and in so far as any total or partial exemption from, or preferential treatment in respect of, taxation imposed on companies by or under any Federal or Provincial law depends on compliance with conditions as to any of the matters mentioned in subsection (1) of this section, any company incorporated by or under the laws of the United Kingdom carrying on business in British India shall be deemed to satisfy those conditions and be entitled to the exemption or preferential treatment accordingly, so long as the taxation imposed by or under the laws of the United Kingdom on companies incorporated by or under the laws of British India and carrying on business in the United Kingdom does not depend on compliance with conditions as to any of the matters so mentioned.

Companies incorporated in India.

114.—(1) Subject to the following provisions of this chapter, a British subject domiciled in the United Kingdom shall be deemed to comply with so much of any Federal or Provincial law as imposes in regard

Part V. —*cont.*

to companies incorporated or proposed to be incorporated, whether before or after the passing of this Act, by or under the laws of British India, any requirements or conditions relating to, or connected with, the place of birth, race, descent, language, religion, domicile, residence or duration of residence of members of the governing body of a company, or of the holders of its shares, stock, debentures, debenture stock or bonds, or of its officers, agents or servants :

Provided that no person shall by virtue of this section be deemed to comply with any such requirement or condition as aforesaid if and so long as a like requirement or condition is imposed by or under the law of the United Kingdom in regard to companies incorporated or proposed to be incorporated by or under the laws of the United Kingdom on British subjects domiciled in British India.

(2) If and in so far as, in the case of any such companies as aforesaid, any total or partial exemption from, or preferential treatment in respect of, taxation imposed by or under any Federal or Provincial law depends on compliance with conditions as to any of the matters aforesaid, then, so far as regards such members of its governing body and such of the holders of its shares, stock, debentures, debenture stock or bonds, and such of its officers, agents, and servants, as are British subjects domiciled in the United Kingdom, any such company shall be deemed to satisfy those conditions and be entitled to the exemption or preferential treatment accordingly, so long as the taxation imposed by or under the laws of the United Kingdom on companies incorporated by or under those laws does not, as regards such of the members of a company's governing body, or such of the holders of its shares, stock, debentures, debenture stock or bonds, or such of its officers, agents, or servants, as are British subjects domiciled in British India, depend on compliance with conditions as to any of the matters aforesaid.

(3) For the purposes of this section, but not for the purposes of any other provision of this chapter, a company incorporated before the commencement of Part III of this Act under any existing Indian law and registered thereunder in Burma, shall be deemed to be a company incorporated by or under the laws of British India.

PART V. —*cont.*

Ships and aircraft.

115.—(1) No ship registered in the United Kingdom shall be subjected by or under any Federal or Provincial law to any treatment affecting either the ship herself, or her master, officers, crew, passengers or cargo, which is discriminatory in favour of ships registered in British India, except in so far as ships registered in British India are for the time being subjected by or under any law of the United Kingdom to treatment of a like character which is similarly discriminatory in favour of ships registered in the United Kingdom.

(2) This section shall apply in relation to aircraft as it applies in relation to ships.

(3) The provisions of this section are in addition to and not in derogation of the provisions of any of the preceding sections of this chapter.

Subsidies for the encouragement of trade or industry.

116.—(1) Notwithstanding anything in any Act of the Federal Legislature or of a Provincial Legislature, companies incorporated, whether before or after the passing of this Act, by or under the laws of the United Kingdom and carrying on business in India shall be eligible for any grant, bounty or subsidy payable out of the revenues of the Federation or of a Province for the encouragement of any trade or industry to the same extent as companies incorporated by or under the laws of British India are eligible therefor:

Provided that this subsection shall not apply in relation to any grant, bounty or subsidy for the encouragement of any trade or industry, if and so long as under the law of the United Kingdom for the time being in force companies incorporated by or under the laws of British India and carrying on business in the United Kingdom are not equally eligible with companies incorporated by or under the laws of the United Kingdom for the benefit of any grant, bounty or subsidy payable out of public moneys in the United Kingdom for the encouragement of the same trade or industry.

(2) Notwithstanding anything in this chapter, an Act of the Federal Legislature or of a Provincial Legislature may require, in the case of a company which at the date of the passing of that Act was not engaged in British India in that branch of trade or industry which it is the purpose of the grant, bounty or subsidy

to encourage, that the company shall not be eligible for any grant, bounty or subsidy under the Act unless and until—

(*a*) the company is incorporated by or under the laws of British India or, if the Act so provides, is incorporated by or under the laws of British India or of a Federated State; and

(*b*) such proportion, not exceeding one half, of the members of its governing body as the Act may prescribe, are British subjects domiciled in India or, if the Act so provides, are either British subjects domiciled in India or subjects of a Federated State; and

(*c*) the company gives such reasonable facilities as may be so prescribed for the training of British subjects domiciled in India or, if the Act so provides, of British subjects domiciled in India or subjects of a Federated State.

(3) For the purposes of this section a company incorporated by or under the laws of the United Kingdom shall be deemed to be carrying on business in India if it owns ships which habitually trade to and from ports in India.

Supplemental.

117. The foregoing provisions of this chapter shall apply in relation to any ordinance, order, byelaw, rule or regulation passed or made after the passing of this Act and having by virtue of any existing Indian law, or of any law of the Federal or any Provincial Legislature, the force of law as they apply in relation to Federal and Provincial laws, but, save as aforesaid, nothing in those provisions shall affect the operation of any existing Indian law.

Power to secure reciprocal treatment by convention.

118.—(1) If after the establishment of the Federation a convention is made between His Majesty's Government in the United Kingdom and the Federal Government whereby similarity of treatment is assured in the United Kingdom to British subjects domiciled in British India and to companies incorporated by or under the laws of British India and in British India to British subjects domiciled in the United Kingdom and to companies incorporated by or under the laws of the United Kingdom, respectively,

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in respect of the matters, or any of the matters, with regard to which provision is made in the preceding sections of this chapter, His Majesty may, if he is satisfied that all necessary legislation has been enacted both in the United Kingdom and in India for the purpose of giving effect to the convention, by Order in Council declare that the purposes of those sections are to such extent as may be specified in the Order sufficiently fulfilled by that convention and legislation, and while any such Order is in force, the operation of those sections shall to that extent be suspended.

(2) An Order in Council under this section shall cease to have effect if and when the convention to which it relates expires or is terminated by either party thereto.

Professional and technical qualifications in general.

119.—(1) No Bill or amendment which prescribes, or empowers any authority to prescribe, the professional or technical qualifications which are to be requisite for any purpose in British India or which imposes, or empowers any authority to impose, by reference to any professional or technical qualification, any disability, liability, restriction or condition in regard to the practising of any profession, the carrying on of any occupation, trade or business, or the holding of any office in British India, shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion, or in a Chamber of a Provincial Legislature without the previous sanction of the Governor in his discretion.

(2) The Governor-General or a Governor shall not give his sanction for the purposes of the preceding subsection unless he is satisfied that the proposed legislation is so framed as to secure that no person who, immediately before the coming into operation of any disability, liability, restriction or condition to be imposed by or under that legislation, was lawfully practising any profession, carrying on any occupation, trade, or business, or holding any office in British India shall, except in so far as may be necessary in the interests of the public, be debarred from continuing to practise that profession, carry on that occupation, trade or business, or hold that office, or from doing anything in the course of that

profession, occupation, trade or business, or in the discharge of the duties of that office which he could lawfully have done if that disability, liability, restriction or condition had not come into operation.

(3) All regulations made under the provisions of any Federal or Provincial law which prescribe the professional or technical qualifications which are to be requisite for any purpose in British India or impose, by reference to any professional or technical qualification, any disability, liability, restriction or condition in regard to the practising of any profession, the carrying on of any occupation, trade or business, or the holding of any office in British India, shall, not less than four months before they are expressed to come into operation, be published in such manner as may be required by general or special directions of the Governor-General, or, as the case may be, the Governor, and, if within two months from the date of the publication complaint is made to the Governor-General or, as the case may be, the Governor that the regulations or any of them will operate unfairly as against any class of persons affected thereby, the Governor-General or Governor, if he is of opinion that the complaint is well founded, may, at any time before the regulations are expressed to come into operation, by public notification disallow the regulations or any of them.

In this subsection the expression "regulations" includes rules, byelaws, orders and ordinances.

In the discharge of his functions under this subsection the Governor-General or a Governor shall exercise his individual judgment.

(4) If the Governor-General exercising his individual judgment by public notification directs that the provisions of the last preceding subsection shall apply in relation to any existing Indian law, those provisions shall apply in relation to that law accordingly, and the functions which under those provisions are to be performed in relation to a Federal law by the Governor-General and in relation to a Provincial law by the Governor shall, in relation to that existing Indian law, be performed, according as may be directed by the notification, by the Governor-General exercising his individual judgment, by the Governor exercising his individual judgment or partly by the one and partly by the other of them.

PART V. —*cont.*

Medical qualifications.

120.—(1) So long as the condition set out in subsection (3) of this section continues to be fulfilled, a British subject domiciled in the United Kingdom or India who, by virtue of a medical diploma granted to him in the United Kingdom, is, or is entitled to be, registered in the United Kingdom as a qualified medical practitioner shall not by or under any existing Indian law or any law of the Federal or any Provincial Legislature, be excluded from practising medicine, surgery or midwifery in British India, or in any part thereof, or from being registered as qualified so to do, on any ground other than the ground that the diploma held by him does not furnish a sufficient guarantee of his possession of the requisite knowledge and skill for the practice of medicine, surgery and midwifery, and he shall not be so excluded on that ground unless a law of the Federation or of the Province, as the case may be, makes provision for securing—

(*a*) that no proposal for excluding the holders of any particular diploma from practice or registration shall become operative until the expiration of twelve months after notice thereof has been given to the Governor-General and to the University or other body granting that diploma; and

(*b*) that such a proposal shall not become operative or, as the case may be, shall cease to operate, if the Privy Council on an application made to them under the next succeeding subsection determine that the diploma in question ought to be recognised as furnishing such a sufficient guarantee as aforesaid.

(2) If any University or other body in the United Kingdom which grants a medical diploma, or any British subject who holds such a diploma, is aggrieved by the proposal to exclude holders of that diploma from practice or registration in British India, that body or person may make an application to the Privy Council, and the Privy Council, after giving to such authorities and persons both in British India and in the United Kingdom as they think fit an opportunity of tendering evidence or submitting representations in writing, shall determine whether the diploma in question does or does not furnish a sufficient guarantee of the

possession of the requisite knowledge and skill for the practice of medicine, surgery and midwifery, and shall notify their determination to the Governor-General, who shall communicate it to such authorities, and cause it to be published in such manner, as he thinks fit.

(3) The condition referred to in subsection (1) of this section is that British subjects domiciled in India who hold a medical diploma granted after examination in British India shall not be excluded from practising medicine, surgery or midwifery in the United Kingdom or from being registered therein as qualified medical practitioners, except on the ground that that diploma does not furnish a sufficient guarantee of the possession of the requisite knowledge and skill for the practice of medicine, surgery and midwifery, and shall only be excluded on that ground so long as the law of the United Kingdom makes provision for enabling any question as to the sufficiency of that diploma to be referred to and decided by the Privy Council.

(4) A medical practitioner entitled to practise or to be registered in British India by virtue of a diploma granted in the United Kingdom, or in the United Kingdom by virtue of a diploma granted in British India, shall not in the practice of his profession be subjected to any liability, disability, restriction or condition to which persons entitled to practise by virtue of diplomas granted in the other country are not subject.

(5) The foregoing provisions of this section shall, subject to the modifications hereinafter mentioned, apply in relation to British subjects domiciled in Burma who, by virtue of medical diplomas granted to them in Burma or the United Kingdom, are, or are entitled to be, registered in the United Kingdom as qualified medical practitioners as they apply in relation to British subjects domiciled in the United Kingdom who, by virtue of medical diplomas granted in the United Kingdom, are, or are entitled to be, registered in the United Kingdom as qualified medical practitioners.

The said modifications are as follows, that is to say,—

(*a*) subsection (3) shall not apply and the reference in subsection (1) to the condition set out therein shall be deemed to be omitted;

(*b*) any reference in subsection (2) or subsection (4) to the United Kingdom shall be construed as a reference to Burma.

(6) Nothing in this section shall be construed as affecting any power of any recognised authority in the United Kingdom or British India to suspend or debar any person from practice on the ground of misconduct, or to remove any person from a register on that ground.

(7) In this section the expression "diploma" includes any certificate, degree, fellowship, or other document or status granted to persons passing examinations.

Officers of Indian Medical Service, &c.

121. A person who holds a commission from His Majesty as a medical officer in the Indian Medical Service or any other branch of His Majesty's forces and is on the active list shall by virtue of that commission be deemed to be qualified to practise medicine, surgery and midwifery in British India, and be entitled to be registered in British India or any part thereof as so qualified.

PART VI.

ADMINISTRATIVE RELATIONS BETWEEN FEDERATION, PROVINCES AND STATES.

General.

Obligation of units and Federation.

122.—(1) The executive authority of every Province and Federated State shall be so exercised as to secure respect for the laws of the Federal Legislature which apply in that Province or State.

(2) The reference in subsection (1) of this section to laws of the Federal Legislature shall, in relation to any Province, include a reference to any existing Indian law applying in that Province.

(3) Without prejudice to any of the other provisions of this Part of this Act, in the exercise of the executive authority of the Federation in any Province or

Federated State regard shall be had to the interests of that Province or State.

Governor-General may require Governors to discharge certain functions as his agents.

123.—(1) The Governor-General may direct the Governor of any Province to discharge as his agent, either generally or in any particular case, such functions in and in relation to the tribal areas as may be specified in the direction.

(2) If in any particular case it appears to the Governor-General necessary or convenient so to do, he may direct the Governor of any Province to discharge as his agent such functions in relation to defence, external affairs, or ecclesiastical affairs as may be specified in the direction.

(3) In the discharge of any such functions the Governor shall act in his discretion.

Power of Federation to confer powers, &c. on Provinces and States in certain cases.

124.—(1) Notwithstanding anything in this Act, the Governor-General may, with the consent of the Government of a Province or the Ruler of a Federated State, entrust either conditionally or unconditionally to that Government or Ruler, or to their respective officers, functions in relation to any matter to which the executive authority of the Federation extends.

(2) An Act of the Federal Legislature may, notwithstanding that it relates to a matter with respect to which a Provincial Legislature has no power to make laws, confer powers and impose duties upon a Province or officers and authorities thereof.

(3) An Act of the Federal Legislature which extends to a Federated State may confer powers and impose duties upon the State or officers and authorities thereof to be designated for the purpose by the Ruler.

(4) Where by virtue of this section powers and duties have been conferred or imposed upon a Province or Federated State or officers or authorities thereof, there shall be paid by the Federation to the Province or State such sum as may be agreed, or, in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of India, in respect of any extra costs of administration incurred by the Province or State in connection with the exercise of those powers and duties.

PART VI. —*cont.*

Administration of Federal Acts in Indian States.

125.—(1) Notwithstanding anything in this Act, agreements may, and, if provision has been made in that behalf by the Instrument of Accession of the State, shall, be made between the Governor-General and the Ruler of a Federated State for the exercise by the Ruler or his officers of functions in relation to the administration in his State of any law of the Federal Legislature which applies therein.

(2) An agreement made under this section shall contain provisions enabling the Governor-General in his discretion to satisfy himself, by inspection or otherwise, that the administration of the law to which the agreement relates is carried out in accordance with the policy of the Federal Government and, if he is not so satisfied, the Governor-General, acting in his discretion, may issue such directions to the Ruler as he thinks fit.

(3) All courts shall take judicial notice of any agreement made under this section.

Control of Federation over Province in certain cases.

126.—(1) The executive authority of every Province shall be so exercised as not to impede or prejudice the exercise of the executive authority of the Federation, and the executive authority of the Federation shall extend to the giving of such directions to a Province as may appear to the Federal Government to be necessary for that purpose.

(2) The executive authority of the Federation shall also extend to the giving of directions to a Province as to the carrying into execution therein of any Act of the Federal Legislature which relates to a matter specified in Part II of the Concurrent Legislative List and authorises the giving of such directions:

Provided that a Bill or amendment which proposes to authorise the giving of any such directions as aforesaid shall not be introduced into or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion.

(3) The executive authority of the Federation shall also extend to the giving of directions to a Province as to the construction and maintenance of means of communication declared in the direction to be of military importance:

Provided that nothing in this subsection shall be taken as restricting the power of the Federation to construct and maintain means of communication as part of its functions with respect to naval, military and air force works.

(4) If it appears to the Governor-General that in any Province effect has not been given to any directions given under this section, the Governor-General, acting in his discretion, may issue as orders to the Governor of that Province either the directions previously given or those directions modified in such manner as the Governor-General thinks proper.

(5) Without prejudice to his powers under the last preceding subsection, the Governor-General, acting in his discretion, may at any time issue orders to the Governor of a Province as to the manner in which the executive authority thereof is to be exercised for the purpose of preventing any grave menace to the peace or tranquillity of India or of any part thereof.

Acquisition of land for Federal purposes.

127. The Federation may, if it deems it necessary to acquire any land situate in a Province for any purpose connected with a matter with respect to which the Federal Legislature has power to make laws, require the Province to acquire the land on behalf, and at the expense, of the Federation or, if the land belongs to the Province, to transfer it to the Federation on such terms as may be agreed or, in default of agreement, as may be determined by an arbitrator appointed by the Chief Justice of India.

Duty of Ruler of a State as respects Federal subjects.

128.—(1) The executive authority of every Federated State shall be so exercised as not to impede or prejudice the exercise of the executive authority of the Federation so far as it is exercisable in the State by virtue of a law of the Federal Legislature which applies therein.

(2) If it appears to the Governor-General that the Ruler of any Federated State has in any way failed to fulfil his obligations under the preceding subsection, the Governor-General, acting in his discretion, may after considering any representations made to him by the Ruler issue such directions to the Ruler as he thinks fit:

Provided that, if any question arises under this section as to whether the executive authority of the Federation is exercisable in a State with respect to any matter or as to the extent to which it is so exercisable, the question may, at the instance either of the Federation or the Ruler, be referred to the Federal Court for determination by that Court in the exercise of its original jurisdiction under this Act.

Broadcasting.

Broadcasting.

129.—(1) The Federal Government shall not unreasonably refuse to entrust to the Government of any Province or the Ruler of any Federated State such functions with respect to broadcasting as may be necessary to enable that Government or Ruler—

(*a*) to construct and use transmitters in the Province or State;

(*b*) to regulate, and impose fees in respect of, the construction and use of transmitters and the use of receiving apparatus in the Province or State:

Provided that nothing in this subsection shall be construed as requiring the Federal Government to entrust to any such Government or Ruler any control over the use of transmitters constructed or maintained by the Federal Government or by persons authorised by the Federal Government, or over the use of receiving apparatus by persons so authorised.

(2) Any functions so entrusted to a Government or Ruler shall be exercised subject to such conditions as may be imposed by the Federal Government, including, notwithstanding anything in this Act, any conditions with respect to finance, but it shall not be lawful for the Federal Government so to impose any conditions regulating the matter broadcast by, or by authority of, the Government or Ruler.

(3) Any Federal laws which may be passed with respect to broadcasting shall be such as to secure that effect can be given to the foregoing provisions of this section.

(4) If any question arises under this section whether any conditions imposed on any such Government or Ruler are lawfully imposed, or whether any refusal by the Federal Government to entrust functions is unreasonable, the question shall be determined by the Governor-General in his discretion.

(5) Nothing in this section shall be construed as restricting the powers conferred on the Governor-General by this Act for the prevention of any grave menace to the peace or tranquillity of India or any part thereof, or as prohibiting the imposition on Governments or Rulers of such conditions regulating matter broadcast as appear to be necessary to enable the Governor-General to discharge his functions in so far as he is by or under this Act required in the exercise thereof to act in his discretion or to exercise his individual judgment.

Interference with Water Supplies.

Complaints as to interference with water supplies.

130. If it appears to the Government of any Governor's Province or to the Ruler of any Federated State that the interests of that Province or State, or of any of the inhabitants thereof, in the water from any natural source of supply in any Governor's or Chief Commissioner's Province or Federated State, have been, or are likely to be, affected prejudicially by—

(*a*) any executive action or legislation taken or passed, or proposed to be taken or passed; or

(*b*) the failure of any authority to exercise any of their powers,

with respect to the use, distribution or control of water from that source, the Government or Ruler may complain to the Governor-General.

Decision of complaints.

131.—(1) If the Governor-General receives such a complaint as aforesaid, he shall, unless he is of opinion that the issues involved are not of sufficient importance to warrant such action, appoint a Commission consisting of such persons having special knowledge and experience in irrigation, engineering, administration, finance or law, as he thinks fit, and request that Commission to investigate in accordance with such instructions as he may give to them, and to report to him on, the matters to which the complaint relates, or such of those matters as he may refer to them.

(2) A Commission so appointed shall investigate the matters referred to them and present to the Governor-General a report setting out the facts as found by them and making such recommendations as they think proper.

Part VI. —*cont.*

(3) If it appears to the Governor-General upon consideration of the Commission's report that anything therein contained requires explanation, or that he needs guidance upon any point not originally referred by him to the Commission, he may again refer the matter to the Commission for further investigation and a further report.

(4) For the purpose of assisting a Commission appointed under this section in investigating any matters referred to them, the Federal Court, if requested by the Commission so to do, shall make such orders and issue such letters of request for the purposes of the proceedings of the Commission as they may make or issue in the exercise of the jurisdiction of the court.

(5) After considering any report made to him by the Commission, the Governor-General shall give such decision and make such order, if any, in the matter of the complaint as he may deem proper:

Provided that if, before the Governor-General has given any decision, the Government of any Province or the Ruler of any State affected request him so to do, he shall refer the matter to His Majesty in Council and His Majesty in Council may give such decision and make such order, if any, in the matter as he deems proper.

(6) Effect shall be given in any Province or State affected to any order made under this section by His Majesty in Council or the Governor-General, and any Act of a Provincial Legislature or of a State which is repugnant to the order shall, to the extent of the repugnancy, be void.

(7) Subject as hereinafter provided the Governor-General, on application made to him by the Government of any Province, or the Ruler of any State affected, may at any time, if after a reference to, and report from, a Commission appointed as aforesaid he considers it proper so to do, vary any decision or order given or made under this section:

Provided that, where the application relates to a decision or order of His Majesty in Council and in any other case if the Government of any Province or the Ruler of any State affected request him so to do, the Governor-General shall refer the matter to His Majesty in Council, and His Majesty in Council may, if he considers proper so to do, vary the decision or order.

(8) An order made by His Majesty in Council or the Governor-General under this section may contain directions as to the Government or persons by whom the expenses of the Commission and any costs incurred by any Province, State or persons in appearing before the Commission are to be paid, and may fix the amount of any expenses or costs to be so paid, and so far as it relates to expenses or costs, may be enforced as if it were an order made by the Federal Court.

(9) The functions of the Governor-General under this section shall be exercised by him in his discretion.

Interference with water supplies of Chief Commissioner's Province.

132. If it appears to the Governor-General that the interests of any Chief Commissioner's Province, or of any of the inhabitants of such a Province, in the water from any natural source of supply in any Governor's Province or Federated State have been or are likely to be affected prejudicially by—

(*a*) any executive action or legislation taken or passed, or proposed to be taken or passed; or

(*b*) the failure of any authority to exercise any of their powers,

with respect to the use, distribution or control of water from that source, he may, if he in his discretion thinks fit, refer the matter to a Commission appointed in accordance with the provisions of the last preceding section and thereupon those provisions shall apply as if the Chief Commissioner's Province were a Governor's Province and as if a complaint with respect to the matter had been made by the Government of that Province to the Governor-General.

Jurisdiction of Courts excluded.

133. Notwithstanding anything in this Act, neither the Federal Court nor any other court shall have jurisdiction to entertain any action or suit in respect of any matter if action in respect of that matter might have been taken under any of the three last preceding sections by the Government of a Province, the Ruler of a State, or the Governor-General.

Ruler of State may exclude application of provisions as to water supply.

134. The provisions contained in this Part of this Act with respect to interference with water supplies shall not apply in relation to any Federated State the Ruler whereof has declared in his Instrument of Accession that those provisions are not to apply in relation to his State.

Part VI. —*cont.*

Inter-Provincial Co-operation.

Provisions with respect to an Inter-Provincial Council.

135. If at any time it appears to His Majesty upon consideration of representations addressed to him by the Governor-General that the public interests would be served by the establishment of an Inter-Provincial Council charged with the duty of—

(*a*) inquiring into and advising upon disputes which may have arisen between Provinces;

(*b*) investigating and discussing subjects in which some or all of the Provinces, or the Federation and one or more of the Provinces, have a common interest; or

(*c*) making recommendations upon any such subject and, in particular, recommendations for the better co-ordination of policy and action with respect to that subject,

it shall be lawful for His Majesty in Council to establish such a Council, and to define the nature of the duties to be performed by it and its organisation and procedure.

An Order establishing any such Council may make provision for representatives of Indian States to participate in the work of the Council.

PART VII.

FINANCE, PROPERTY, CONTRACTS AND SUITS.

CHAPTER I.

Finance.

Distribution of Revenues between the Federation and the Federal Units.

Meaning of "revenues of Federation" and "revenues of Province."

136. Subject to the following provisions of this chapter with respect to the assignment of the whole or part of the net proceeds of certain taxes and duties to Provinces and Federated States, and subject to the provisions of this Act with respect to the Federal Railway Authority, the expression "revenues of the Federation" includes all revenues and public moneys raised or received by the Federation, and the expression "revenues of the Province" includes all revenues and public moneys raised or received by a Province.

Certain succession duties, stamp duties, terminal taxes and taxes on fares and freights.

137. Duties in respect of succession to property other than agricultural land, such stamp duties as are mentioned in the Federal Legislative List, terminal taxes on goods or passengers carried by railway, or air, and taxes on railway fares and freights, shall be levied and collected by the Federation, but the net proceeds in any financial year of any such duty or tax, except in so far as those proceeds represent proceeds attributable to Chief Commissioners' Provinces, shall not form part of the revenues of the Federation, but shall be assigned to the Provinces and to the Federated States, if any, within which that duty or tax is leviable in that year, and shall be distributed among the Provinces and those States in accordance with such principles of distribution as may be formulated by Act of the Federal Legislature:

Provided that the Federal Legislature may at any time increase any of the said duties or taxes by a surcharge for Federal purposes and the whole proceeds of any such surcharge shall form part of the revenues of the Federation.

Taxes on income.

138.—(1) Taxes on income other than agricultural income shall be levied and collected by the Federation, but a prescribed percentage of the net proceeds in any financial year of any such tax, except in so far as those proceeds represent proceeds attributable to Chief Commissioners' Provinces or to taxes payable in respect of Federal emoluments, shall not form part of the revenues of the Federation, but shall be assigned to the Provinces and to the Federated States, if any, within which that tax is leviable in that year, and shall be distributed among the Provinces and those States in such manner as may be prescribed:

Provided that—

(*a*) the percentage originally prescribed under this subsection shall not be increased by any subsequent Order in Council;

(*b*) the Federal Legislature may at any time increase the said taxes by a surcharge for Federal purposes and the whole proceeds of any such surcharge shall form part of the revenues of the Federation.

PART VII. —*cont.*

(2) Notwithstanding anything in the preceding subsection, the Federation may retain out of the moneys assigned by that subsection to Provinces and States—

(*a*) in each year of a prescribed period such sum as may be prescribed; and

(*b*) in each year of a further prescribed period a sum less than that retained in the preceding year by an amount, being the same amount in each year, so calculated that the sum to be retained in the last year of the period will be equal to the amount of each such annual reduction:

Provided that—

(i) neither of the periods originally prescribed shall be reduced by any subsequent Order in Council;

(ii) the Governor-General in his discretion may in any year of the second prescribed period direct that the sum to be retained by the Federation in that year shall be the sum retained in the preceding year, and that the second prescribed period shall be correspondingly extended, but he shall not give any such direction except after consultation with such representatives of Federal, Provincial and State interests as he may think desirable, nor shall he give any such direction unless he is satisfied that the maintenance of the financial stability of the Federal Government requires him so to do.

(3) Where an Act of the Federal Legislature imposes a surcharge for Federal purposes under this section, the Act shall provide for the payment by each Federated State in which taxes on income are not leviable by the Federation of a contribution to the revenues of the Federation assessed on such basis as may be prescribed with a view to securing that the contribution shall be the equivalent, as near as may be, of the net proceeds which it is estimated would result from the surcharge if it were leviable in that State, and the State shall become liable to pay that contribution accordingly.

(4) In this section—

"taxes on income" does not include a corporation tax;

PART VII.—*cont.*

"prescribed" means prescribed by His Majesty in Council; and

"Federal emoluments" includes all emoluments and pensions payable out of the revenues of the Federation or of the Federal Railway Authority in respect of which income tax is chargeable.

Corporation tax.

139.—(1) Corporation tax shall not be levied by the Federation in any Federated State until ten years have elapsed from the establishment of the Federation.

(2) Any Federal law providing for the levying of corporation tax shall contain provisions enabling the Ruler of any Federated State in which the tax would otherwise be leviable to elect that the tax shall not be levied in the State, but that in lieu thereof there shall be paid by the State to the revenues of the Federation a contribution as near as may be equivalent to the net proceeds which it is estimated would result from the tax if it were levied in the State.

(3) Where the Ruler of a State so elects as aforesaid, the officers of the Federation shall not call for any information or returns from any corporation in the State, but it shall be the duty of the Ruler thereof to cause to be supplied to the Auditor-General of India such information as the Auditor-General may reasonably require to enable the amount of any such contribution to be determined.

If the Ruler of a State is dissatisfied with the determination as to the amount of the contribution payable by his State in any financial year, he may appeal to the Federal Court, and if he establishes to the satisfaction of that Court that the amount determined is excessive, the Court shall reduce the amount accordingly and no appeal shall lie from the decision of the Court on the appeal.

Salt duties, excise duties and export duties.

140.—(1) Duties on salt, Federal duties of excise and export duties shall be levied and collected by the Federation, but, if an Act of the Federal Legislature so provides, there shall be paid out of the revenues of the Federation to the Provinces and to the Federated States, if any, to which the Act imposing the duty extends, sums equivalent to the whole or any part of the net proceeds of that duty, and those sums shall be distributed among the Provinces and those States in accordance with such principles of distribution as may be formulated by the Act.

(2) Notwithstanding anything in the preceding subsection, one half, or such greater proportion as His Majesty in Council may determine, of the net proceeds in each year of any export duty on jute or jute products shall not form part of the revenues of the Federation, but shall be assigned to the Provinces or Federated States in which jute is grown in proportion to the respective amounts of jute grown therein.

Prior sanction of Governor-General required to Bills affecting taxation in which Provinces are interested.

141.—(1) No Bill or amendment which imposes or varies any tax or duty in which Provinces are interested, or which varies the meaning of the expression "agricultural income" as defined for the purposes of the enactments relating to Indian income tax, or which affects the principles on which under any of the foregoing provisions of this chapter moneys are or may be distributable to Provinces or States, or which imposes any such Federal surcharge as is mentioned in the foregoing provisions of this chapter, shall be introduced or moved in either Chamber of the Federal Legislature except with the previous sanction of the Governor-General in his discretion.

(2) The Governor-General shall not give his sanction to the introduction of any Bill or the moving of any amendment imposing in any year any such Federal surcharge as aforesaid unless he is satisfied that all practicable economies and all practicable measures for otherwise increasing the proceeds of Federal taxation or the portion thereof retainable by the Federation would not result in the balancing of Federal receipts and expenditure on revenue account in that year.

(3) In this section the expression "tax or duty in which Provinces are interested" means—

(*a*) a tax or duty the whole or part of the net proceeds whereof are assigned to any Province; or

(*b*) a tax or duty by reference to the net proceeds whereof sums are for the time being payable out of the revenues of the Federation to any Provinces.

Grants from Federation to certain Provinces.

142. Such sums as may be prescribed by His Majesty in Council shall be charged on the revenues of the Federation in each year as grants in aid of the revenues of such Provinces as His Majesty may determine to be in need of assistance, and different sums may be prescribed for different Provinces:

Provided that, except in the case of the North West Frontier Province, no grant fixed under this section shall be increased by a subsequent Order, unless an address has been presented to the Governor-General by both Chambers of the Federal Legislature for submission to His Majesty praying that the increase may be made.

Savings.

143.—(1) Nothing in the foregoing provisions of this chapter affects any duties or taxes levied in any Federated State otherwise than by virtue of an Act of the Federal Legislature applying in the State.

(2) Any taxes, duties, cesses or fees which, immediately before the commencement of Part III of this Act, were being lawfully levied by any Provincial Government, municipality or other local authority or body for the purposes of the Province, municipality, district or other local area under a law in force on the first day of January, nineteen hundred and thirty-five, may, notwithstanding that those taxes, duties, cesses or fees are mentioned in the Federal Legislative List, continue to be levied and to be applied to the same purposes until provision to the contrary is made by the Federal Legislature.

Calculation of "net proceeds," &c.

144.—(1) In the foregoing provisions of this chapter "net proceeds" means in relation to any tax or duty the proceeds thereof reduced by the cost of collection, and for the purposes of those provisions the net proceeds of any tax or duty, or of any part of any tax or duty, in or attributable to any area shall be ascertained and certified by the Auditor-General of India, whose certificates shall be final.

(2) Subject as aforesaid, and to any other express provision of this chapter, an Act of the Federal Legislature may, in any case where under this Part of this Act the proceeds of any duty or tax are, or may be,

PART VII. —*cont.*

assigned to any Province or State, or a contribution is, or may be, made to the revenues of the Federation by any State, provide for the manner in which the proceeds of any duty or tax and the amount of any contribution are to be calculated, for the times in each year and the manner at and in which any payments are to be made, for the making of adjustments between one financial year and another, and for any other incidental or ancillary matters.

The Crown and the States.

Expenses of the Crown in connection with Indian States.

145. There shall be paid to His Majesty by the Federation in each year the sums stated by His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States to be required, whether on revenue account or otherwise, for the discharge of those functions, including the making of any payments in respect of any customary allowances to members of the family or servants of any former Ruler of any territories in India.

Payments from or by Indian States.

146. All cash contributions and payments in respect of loans and other payments due from or by any Indian State which, if this Act had not been passed, would have formed part of the revenues of India, shall be received by His Majesty, and shall, if His Majesty has so directed, be placed at the disposal of the Federation, but nothing in this Act shall derogate from the right of His Majesty, if he thinks fit so to do, to remit at any time the whole or any part of any such contributions or payments.

Remission of States' contributions.

147.—(1) Subject to the provisions of subsection (3) of this section, His Majesty may, in signifying his acceptance of the Instrument of Accession of a State, agree to remit over a period not exceeding twenty years from the date of the accession of the State to the Federation any cash contributions payable by that State.

(2) Subject as aforesaid, where any territories have been voluntarily ceded to the Crown by a Federated State before the passing of this Act—

(*a*) in return for specific military guarantees, or

(*b*) in return for the discharge of the State from obligations to provide military assistance,

there shall, if His Majesty, in signifying his acceptance of the Instrument of Accession of that State, so directs, be paid to that State, but in the first-mentioned case on condition that the said guarantees are waived, such sums as in the opinion of His Majesty ought to be paid in respect of any such cession as aforesaid.

(3) Notwithstanding anything in this section—

(*a*) every such agreement or direction as aforesaid shall be such as to secure that no such remission or payment shall be made by virtue of the agreement or direction until the Provinces have begun to receive moneys under the section of this chapter relating to taxes on income, and, in the case of a remission, that the remission shall be complete before the expiration of twenty years from the date of the accession to the Federation of the State in question, or before the end of the second prescribed period referred to in subsection (2) of the said section, whichever first occurs; and

(*b*) no contribution shall be remitted by virtue of any such agreement save in so far as it exceeds the value of any privilege or immunity enjoyed by the State; and

(*c*) in fixing the amount of any payments in respect of ceded territories, account shall be taken of the value of any such privilege or immunity.

(4) This section shall apply in the case of any cash contributions the liability for which has before the passing of this Act been discharged by payment of a capital sum or sums, and accordingly His Majesty may agree that the capital sum or sums so paid shall be repaid either by instalments or otherwise, and such repayments shall be deemed to be remissions for the purposes of this section.

(5) In this chapter "cash contributions" means—

(*a*) periodical contributions in acknowledgment of the suzerainty of His Majesty, including contributions payable in connection with any arrangement for the aid and protection of a State by His Majesty, and contributions in commutation of any obligation of a State to provide military assistance to His Majesty, or

Part VII. —*cont.*

in respect of the maintenance by His Majesty of a special force for service in connection with a State, or in respect of the maintenance of local military forces or police, or in respect of the expenses of an agent;

(*b*) periodical contributions fixed on the creation or restoration of a State, or on a re-grant or increase of territory, including annual payments for grants of land on perpetual tenure or for equalisation of the value of exchanged territory;

(*c*) periodical contributions formerly payable to another State but now payable to His Majesty by right of conquest, assignment or lapse.

(6) In this chapter " privilege or immunity " means any such right, privilege, advantage or immunity of a financial character as is hereinafter mentioned, that is to say—

(*a*) rights, privileges or advantages in respect of, or connected with, the levying of sea customs or the production and sale of untaxed salt;

(*b*) sums receivable in respect of the abandonment or surrender of the right to levy internal customs duties, or to produce or manufacture salt, or to tax salt or other commodities or goods in transit, or sums receivable in lieu of grants of free salt;

(*c*) the annual value to the Ruler of any privilege or territory granted in respect of the abandonment or surrender of any such right as is mentioned in the last preceding paragraph;

(*d*) privileges in respect of free service stamps or the free carriage of State mails on government business;

(*e*) the privilege of entry free from customs duties of goods imported by sea and transported in bond to the State in question; and

(*f*) the right to issue currency notes,

not being a right, privilege, advantage or immunity surrendered upon the accession of the State, or one which, in the opinion of His Majesty, for any other reason ought not to be taken into account for the purposes of this chapter.

(7) An Instrument of Accession of a State shall not be deemed to be suitable for acceptance by His Majesty, unless it contains such particulars as appear to His Majesty to be necessary to enable due effect to be given to the provisions of this and the next but one succeeding sections, and in particular provision for determining from time to time the value to be attributed for the purposes of those provisions to any privilege or immunity the value of which is fluctuating or uncertain.

Certain payments to Federated States, &c., to be charged on Federal revenues.

148. Any payments made under the last preceding section and any payments heretofore made to any State by the Governor-General in Council or by any Local Government under any agreements made with that State before the passing of this Act, shall be charged on the revenues of the Federation or on the revenues of the corresponding Province under this Act, as the case may be.

Value of privileges and immunities to be set off against share of taxes, &c., assigned to Federated States.

149. Where under the foregoing provisions of this chapter there is made in any year by the Federation to a Federated State any payment or distribution of, or calculated by reference to, the net proceeds of any duty or tax, the value in and for that year of any privilege or immunity enjoyed by that State in respect of any former or existing source of revenue from a similar duty or tax or from goods of the same kind, being a privilege or immunity which has not been otherwise taken into account shall, if and in so far as the Act of the Federal Legislature under which the payment or distribution is made so provides, be set off against the payment or distribution.

Miscellaneous Financial Provisions.

Expenditure defrayable out of Indian revenues.

150.—(1) No burden shall be imposed on the revenues of the Federation or the Provinces except for the purposes of India or some part of India.

(2) Subject as aforesaid, the Federation or a Province may make grants for any purpose, notwithstanding that the purpose is not one with respect to which the Federal or the Provincial Legislature, as the case may be, may make laws.

Provisions as to the

151.—(1) Rules may be made by the Governor-General and by the Governor of a Province for the purpose

PART VII. —*cont.* custody of public moneys.

of securing that all moneys received on account of the revenues of the Federation or of the Province, as the case may be, shall, with such exceptions, if any, as may be specified in the rules, be paid into the public account of the Federation or of the Province, and the rules so made may prescribe, or authorise some person to prescribe, the procedure to be followed in respect of the payment of moneys into the said account, the withdrawal of moneys therefrom, the custody of moneys therein, and any other matters connected with or ancillary to the matters aforesaid.

(2) In the exercise of his powers under this section the Governor-General or a Governor shall exercise his individual judgment.

Exercise by Governor-General of certain powers with respect to Reserve Bank.

152.—(1) The functions of the Governor-General with respect to the following matters shall be exercised by him in his discretion, that is to say—

(*a*) the appointment and removal from office of the Governor and Deputy Governors of the Reserve Bank of India, the approval of their salaries and allowances, and the fixing of their terms of office;

(*b*) the appointment of an officiating Governor or Deputy Governor of the Bank;

(*c*) the supersession of the Central Board of the Bank and any action consequent thereon; and

(*d*) the liquidation of the Bank.

(2) In nominating directors of the Reserve Bank of India and in removing from office any director nominated by him, the Governor-General shall exercise his individual judgment.

Previous sanction of Governor-General to legislation with respect to Reserve Bank, currency and coinage.

153. No Bill or amendment which affects the coinage or currency of the Federation or the constitution or functions of the Reserve Bank of India shall be introduced into or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion.

Exemption of certain public property from taxation.

154. Property vested in His Majesty for purposes of the government of the Federation shall, save in so far as any Federal law may otherwise provide, be exempt from all taxes imposed by, or by any authority within, a Province or Federated State:

Provided that, until any Federal law otherwise provides, any property so vested which was immediately before the commencement of Part III of this Act liable, or treated as liable, to any such tax, shall, so long as that tax continues, continue to be liable, or to be treated as liable, thereto.

Exemption of Provincial Governments and Rulers of Federated States in respect of Federal taxation.

155.—(1) Subject as hereinafter provided, the Government of a Province and the Ruler of a Federated State shall not be liable to Federal taxation in respect of lands or buildings situate in British India or income accruing, arising or received in British India:

Provided that—

(*a*) where a trade or business of any kind is carried on by or on behalf of the Government of a Province in any part of British India outside that Province or by a Ruler in any part of British India, nothing in this subsection shall exempt that Government or Ruler from any Federal taxation in respect of that trade or business, or any operations connected therewith, or any income arising in connection therewith, or any property occupied for the purposes thereof;

(*b*) nothing in this subsection shall exempt a Ruler from any Federal taxation in respect of any lands, buildings or income being his personal property or personal income.

(2) Nothing in this Act affects any exemption from taxation enjoyed as of right at the passing of this Act by the Ruler of an Indian State in respect of any Indian Government securities issued before that date.

Adjustment in respect of certain expenses and pensions.

156. Where under the provisions of this Act the expenses of any court or commission, or the pension payable to or in respect of a person who has served under the Crown in India, are charged on the revenues of the Federation or the revenues of a Province, then if—

(*a*) in the case of a charge on the revenues of the Federation, the court or commission serves any of the separate needs of a Province, or the person has served wholly or in part in connection with the affairs of a Province; or (*b*) in the case of a charge on the revenues of a Province, the court or commission serves any of the separate needs of the Federation or another Province, or the person has served wholly or in part in connection with the affairs of the Federation or another Province,

there shall be charged on and paid out of the revenues of the Province or, as the case may be, the revenues of the Federation or of the other Province, such contribution in respect of the expenses or pension as may be agreed, or as may in default of agreement be determined by an arbitrator to be appointed by the Chief Justice of India.

Duty of Federation and Provinces to supply Secretary of State with funds.

157.—(1) The Federation and every Province shall secure that there are from time to time in the hands of the Secretary of State sufficient moneys to enable him to make such payments as he may have to make in respect of any liability which falls to be met out of the revenues of the Federation or of the Province as the case may be.

(2) Without prejudice to their obligations under the preceding subsection, the Federation and every Province shall secure that there are from time to time in the hands of the Secretary of State and the High Commissioner sufficient moneys to enable payment to be made of all pensions payable out of the revenues of the Federation or the Province, as the case may be, in the United Kingdom or through officers accounting to the Secretary of State or to the High Commissioner.

Provisions as to relation of Burma monetary system with India.

158.—(1) His Majesty in Council may make such provision as may appear to him to be necessary or proper for defining and regulating the relations between the monetary systems of India and Burma and for purposes connected with or ancillary to those purposes, and in particular, but without prejudice to the generality of this section, such provision as may appear to His Majesty to be necessary or proper for the purpose of giving effect to any arrangements with respect to the said matters made before the commencement of Part III of this Act with the approval of the Secretary of State by the Governor of Burma in Council with the Governor-General in Council or any other persons.

(2) Any sums required by an Order under this section to be paid by the Federation shall be charged on the revenues of the Federation.

Relief in respect of tax on income taxable both in India and Burma.

159. His Majesty in Council may make provision for the grant of relief from any Federal tax on income in respect of income taxed or taxable in Burma.

Provisions as to customs duties on India-Burma trade.

160. With a view to preventing undue disturbance of trade between India and Burma in the period immediately following the separation of India and Burma and with a view to safeguarding the economic interests of Burma during that period, His Majesty may by Order in Council give such directions as he thinks fit for those purposes with respect to the duties which are, while the Order is in force, to be levied on goods imported into or exported from India or Burma and with respect to ancillary and related matters.

CHAPTER II.

Borrowing and Audit.

Borrowing.

Cessation of borrowing by Secretary of State in Council.

161. Upon the commencement of Part III of this Act all powers vested in the Secretary of State in Council of borrowing on the security of the revenues of India shall cease and determine, but nothing in this section affects the provisions of Part XIII of this Act with respect to borrowing in sterling by the Secretary of State.

Borrowing by Federal Government.

162. Subject to the provisions of Part XIII of this Act with respect to borrowing in sterling, the executive authority of the Federation extends to borrowing upon the security of the revenues of the Federation within such limits, if any, as may from time to time be fixed by Act of the Federal Legislature and to the giving of guarantees within such limits, if any, as may be so fixed.

Borrowing by Provincial Governments.

163.—(1) Subject to the provisions of this section, the executive authority of a Province extends to borrowing upon the security of the revenues of the Province within such limits, if any, as may from time to time be fixed by the Act of the Provincial Legislature and to the giving of guarantees within such limits, if any, as may be so fixed.

PART VII. —*cont.*

(*b*) in the case of a charge on the revenues of a Province, the court or commission serves any of the separate needs of the Federation or another Province, or the person has served wholly or in part in connection with the affairs of the Federation or another Province,

there shall be charged on and paid out of the revenues of the Province or, as the case may be, the revenues of the Federation or of the other Province, such contribution in respect of the expenses or pension as may be agreed, or as may in default of agreement be determined by an arbitrator to be appointed by the Chief Justice of India.

Duty of Federation and Provinces to supply Secretary of State with funds.

157.—(1) The Federation and every Province shall secure that there are from time to time in the hands of the Secretary of State sufficient moneys to enable him to make such payments as he may have to make in respect of any liability which falls to be met out of the revenues of the Federation or of the Province as the case may be.

(2) Without prejudice to their obligations under the preceding subsection, the Federation and every Province shall secure that there are from time to time in the hands of the Secretary of State and the High Commissioner sufficient moneys to enable payment to be made of all pensions payable out of the revenues of the Federation or the Province, as the case may be, in the United Kingdom or through officers accounting to the Secretary of State or to the High Commissioner.

Provisions as to relation of Burma monetary system with India.

158.—(1) His Majesty in Council may make such provision as may appear to him to be necessary or proper for defining and regulating the relations between the monetary systems of India and Burma and for purposes connected with or ancillary to those purposes, and in particular, but without prejudice to the generality of this section, such provision as may appear to His Majesty to be necessary or proper for the purpose of giving effect to any arrangements with respect to the said matters made before the commencement of Part III of this Act with the approval of the Secretary of State by the Governor of Burma in Council with the Governor-General in Council or any other persons.

bringing proceedings to proceed in the manner therein specified and that, until Parliament otherwise determines, any conditions prescribed by the Treasury under section two of the Colonial Stock Act, 1900, shall be deemed to have been complied with with respect to all such stock so issued by the Federation.

Part VII. —*cont.*

63 & 64 Vict. c. 62.

(2) The expression "colonial stock" in section eleven of the Trusts (Scotland) Act, 1921, shall include any stock in relation to which the said Acts apply by virtue of this section.

11 & 12 Geo. 5. c. 58.

(3) In paragraph (*d*) of subsection (1) of section one of the Trustee Act, 1925, the words "or any other "securities the interest in sterling whereon is payable out "of, and charged on, the revenues of India" shall be repealed:

15 & 16 Geo. 5. c. 19.

Provided that, notwithstanding anything in this Act, any securities which by virtue of the said words were immediately before the commencement of Part III of this Act securities in which a trustee might invest trust funds shall continue to be securities in which a trustee may invest such funds.

Audit and Accounts.

166.—(1) There shall be an Auditor-General of India, who shall be appointed by His Majesty and shall only be removed from office in like manner and on the like grounds as a judge of the Federal Court.

Auditor-General of India.

(2) The conditions of service of the Auditor-General shall be such as may be prescribed by His Majesty in Council, and he shall not be eligible for further office under the Crown in India after he has ceased to hold his office:

Provided that neither the salary of an Auditor-General nor his rights in respect of leave of absence, pension or age of retirement shall be varied to his disadvantage after his appointment.

(3) The Auditor-General shall perform such duties and exercise such powers in relation to the accounts of the Federation and of the Provinces as may be prescribed by, or by rules made under, an Order of His Majesty in Council, or by any subsequent Act of the Federal Legislature varying or extending such an Order:

Provided that no Bill or amendment for the purpose aforesaid shall be introduced or moved without the previous sanction of the Governor-General in his discretion.

(4) The salary, allowances and pension payable to or in respect of an Auditor-General shall be charged on the revenues of the Federation, and the salaries, allowances and pensions payable to or in respect of members of his staff shall be paid out of those revenues.

Provincial Auditor-General.

167.—(1) If a Provincial Legislature after the expiration of two years from the commencement of Part III of this Act passes an Act charging the salary of an Auditor-General for that Province on the revenues of the Province, an Auditor-General of the Province may be appointed by His Majesty to perform the same duties and to exercise the same powers in relation to the audit of the accounts of the Province as would be performed and exercised by the Auditor-General of India, if an Auditor-General of the Province had not been appointed:

Provided that no appointment of an Auditor-General in a Province shall be made until the expiration of at least three years from the date of the Act of the Provincial Legislature by which provision is made for an Auditor-General of that Province.

(2) The provisions of the last preceding section shall apply in relation to the Auditor-General of a Province and his staff as they apply in relation to the Auditor-General of India and his staff, subject to the following modifications, that is to say—

(*a*) a person who is, or has been, Auditor-General of a Province shall be eligible for appointment as Auditor-General of India;

(*b*) in subsection (3) of the said section, for the reference to the Federal Legislature there shall be substituted a reference to the Provincial Legislature, and for the reference to the Governor-General there shall be substituted a reference to the Governor; and

(*c*) in subsection (4) of the said section for the reference to the revenues of the Federation there shall be substituted a reference to the revenues of the Province:

Provided that nothing in this section shall derogate from the power of the Auditor-General of India to give such directions in respect to the accounts of Provinces as are mentioned in the next succeeding section.

Power of Auditor-General of India to give directions as to accounts.

168. The accounts of the Federation shall be kept in such form as the Auditor-General of India may, with the approval of the Governor-General, prescribe and, in so far as the Auditor-General of India may, with the like approval, give any directions with regard to the methods or principles in accordance with which any accounts of Provinces ought to be kept, it shall be the duty of every Provincial Government to cause accounts to be kept accordingly.

Audit reports.

169. The reports of the Auditor-General of India relating to the accounts of the Federation shall be submitted to the Governor-General, who shall cause them to be laid before the Federal Legislature, and the reports of the Auditor-General of India or of the Auditor-General of the Province, as the case may be, relating to the accounts of a Province shall be submitted to the Governor of the Province, who shall cause them to be laid before the Provincial Legislature.

Auditor of Indian Home Accounts.

170.—(1) There shall be an Auditor of Indian Home Accounts who shall be appointed by the Governor-General in his discretion and shall only be removed from office in like manner and on the like grounds as a judge of the Federal Court.

(2) The conditions of service of the Auditor of Indian Home Accounts shall be such as may be prescribed by the Governor-General in his discretion :

Provided that neither the salary of an Auditor of Indian Home Accounts nor his rights in respect of leave of absence, pension or age of retirement shall be varied to his disadvantage after his appointment.

(3) The Auditor of Indian Home Accounts shall perform such duties and exercise such powers in relation to transactions in the United Kingdom affecting the revenues of the Federation, of the Federal Railway Authority, or of any Province, as may be prescribed by, or by rules made under, an Order of His Majesty in Council, or by any Act of the Federal Legislature varying or extending such an Order :

Provided that no Bill or amendment for the purpose aforesaid shall be introduced or moved without the prior sanction of the Governor-General in his discretion.

(4) The reports of the Auditor of Indian Home Accounts relating to such transactions as aforesaid shall be submitted to the Auditor-General of India, or, in the case of transactions affecting the revenues of a Province which has an Auditor-General, to the Auditor-General of the Province, and shall be included by any such Auditor-General in the reports which under this Part of this Act he is required to submit to the Governor-General or, as the case may be, to the Governor.

(5) The Auditor of Indian Home Accounts shall be subject to the general superintendence of the Auditor-General of India.

(6) The salary, allowances and pension payable to or in respect of the Auditor of Indian Home Accounts shall be charged on the revenues of the Federation, and the salaries, allowances and pensions payable to or in respect of members of his staff shall be paid out of those revenues.

(7) His Majesty in Council may require the Auditor of Indian Home Accounts to perform in relation to Burma all or any of the functions which he performs in relation to India, and may fix the payments to be made in respect of his services from the revenues of Burma to the revenues of the Federation, and may make such incidental and consequential provision as may appear to him to be proper.

Audit of accounts relating to the discharge of the functions of the Crown in relation to Indian States.

171. The accounts relating to the discharge of the functions of the Crown in its relations with Indian States shall be audited by the Auditor-General of India, or, in so far as those accounts concern transactions in the United Kingdom, by the Auditor of Indian Home Accounts acting on his behalf and under his general superintendence, and the Auditor-General of India shall make to the Secretary of State annual reports on the accounts so audited by him or on his behalf.

CHAPTER III.

Property, Contracts, Liabilities, and Suits.

Vesting of lands and buildings.

172.—(1) All lands and buildings which immediately before the commencement of Part III of this Act were vested in His Majesty for the purposes of the government of India shall as from that date—

PART VII. —*cont.*

(*a*) in the case of lands and buildings which are situate in a Province, vest in His Majesty for the purposes of the government of that Province unless they were then used, otherwise than under a tenancy agreement between the Governor-General in Council and the Government of that Province, for purposes which thereafter will be purposes of the Federal Government or of His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States, or unless they are lands and buildings formerly used for such purposes as aforesaid, or intended or formerly intended to be so used, and are certified by the Governor-General in Council or, as the case may be, His Majesty's Representative, to have been retained for future use for such purposes, or to have been retained temporarily for the purpose of more advantageous disposal by sale or otherwise;

(*b*) in the case of lands and buildings which are situate in a Province but do not by virtue of the preceding paragraph vest in His Majesty for the purposes of the government of that Province, and in the case of lands and buildings which are situate in India elsewhere than in a Province, vest in His Majesty for the purposes of the government of the Federation or for the purposes of the exercise of the functions of the Crown in its relations with Indian States, according to the purpose for which they were used immediately before the commencement of Part III of this Act; and

(*c*) in the case of lands and buildings which are situate elsewhere than in India (except lands and buildings situate in Burma or Aden), vest in His Majesty for the purposes of the government of the Federation or, if they were immediately before the commencement of Part III of this Act used for purposes of the department of the Secretary of State in Council, for the purposes of His Majesty's Government in the United Kingdom.

Part VII. —*cont.*

(2) Except with the consent of the Governor-General, effect shall not be given to any proposal for the sale of any lands or buildings which by virtue of this section are vested in His Majesty for the purposes of His Majesty's Government in the United Kingdom, or to any proposal for the diversion of any such lands and buildings to uses not connected with the discharge of the functions of the Crown in relation to India or Burma.

(3) The lands and buildings vested in His Majesty by virtue of this section for the purpose of His Majesty's Government in the United Kingdom shall be under the management of the Commissioners of Works, and, subject to the provisions of subsection (2) of this section, the provisions of the Acts relating to the Commissioners of Works shall apply in relation to those lands and buildings as if they had been acquired by the Commissioners in pursuance of those Acts.

(4) The provisions of this section shall apply in relation to the contents of buildings vested in His Majesty for the purposes of His Majesty's Government in the United Kingdom, other than any money or securities, as they apply in relation to the buildings themselves:

Provided that, in the case of such articles and classes of articles as may be agreed upon between the Secretary of State and the Governor-General, the provisions of subsection (2) of this section shall not apply and, notwithstanding anything in subsection (3) of this section, the contents of those buildings shall be under the control of the Secretary of State.

(5) Any question which may arise within the five years next following the commencement of Part III of this Act as to the purposes for which any lands or buildings are by virtue of this section vested in His Majesty may be determined by His Majesty in Council.

Provisions as to other property.

173.—(1) Subject to the provisions of this and the last preceding section, all property vested in His Majesty which by virtue of any delegation from the Secretary of State in Council or otherwise is immediately before the commencement of Part III of this Act in the possession or under the control of, or held on account of, the Governor-General in Council or any Local Government shall, as from the commencement of Part III of this Act, vest in His Majesty—

Part VII. —*cont.*

(*a*) for the purposes of the Government of the Federation; or

(*b*) for the purposes of the exercise of the functions of the Crown in its relations with Indian States; or

(*c*) for the purposes of the Government of a Province,

according as the purposes for which the property was held immediately before the commencement of Part III of this Act will thereafter be purposes of the Government of the Federation, purposes of His Majesty's Representative for the exercise of the said functions of the Crown or purposes of the Government of a Province:

Provided that—

(i) all moneys which immediately before the commencement of Part III of this Act were in the public account of which the Governor-General in Council was custodian shall be vested in His Majesty for the purposes of the Government of the Federation;

(ii) all credits and debits of the Local Government of any Governor's Province (other than Burma) in account with the Governor-General in Council shall be deemed to be credits and debits of the corresponding Province under this Act in account with the Federation.

(2) Subject as aforesaid, all other property vested in His Majesty and under the control of the Secretary of State in Council immediately before the commencement of Part III of this Act shall as from the commencement of Part III of this Act vest in His Majesty for the purposes of the Government of the Federation, for the purposes of the exercise of the functions of the Crown in its relations with Indian States or for the purposes of the Government of a Province, according as the Secretary of State may determine having regard to the circumstances of the case, and the Secretary of State shall have power to and shall deal with the property accordingly.

(3) In this section "property" includes money, securities, bank balances and movable property of any description.

PART VII. —*cont.*

(4) Arrears of any taxes outstanding immediately before the commencement of Part III of this Act shall be deemed to be due to and may be recovered by the Federal Government or a Provincial Government according as the proceeds of any such tax imposed after the commencement of Part III of this Act would be due to and recoverable by the Federal Government or the Provincial Government.

(5) This section shall apply in relation to any equipment, stores, moneys, bank balances and other property held in connection with His Majesty's Indian forces stationed in Burma (not being forces raised in Burma) as it applies in relation to property held for purposes which will be purposes of the Government of the Federation, but, save as aforesaid, nothing in this section applies to any property situate in Burma or Aden, or to arrears of taxes in Burma or Aden, or to any property which by virtue of any delegation from the Secretary of State in Council or otherwise is, immediately before the commencement of Part III of this Act, in the possession or under the control of, or held on account of, the Local Government of Burma or Aden.

(6) Nothing in this section shall affect any adjustments made or to be made by or under this Act by reason of the creation before the commencement of Part III of this Act of the Provinces of Orissa and Sind.

Property accruing by escheat or lapse, or as bona vacantia.

174. Subject as hereinafter provided, any property in India accruing to His Majesty by escheat or lapse, or as bona vacantia for want of a rightful owner, shall, if it is property situate in a Province, vest in His Majesty for the purposes of the government of that Province, and shall in any other case vest in His Majesty for the purposes of the government of the Federation :

Provided that any property which at the date when it accrued to His Majesty was in the possession or under the control of the Federal Government or the Government of a Province shall, according as the purposes for which it was then used or held were purposes of the Federation or of a Province, vest in His Majesty for the purposes of the government of the Federation or for the purposes of the government of that Province.

Power to acquire property and to make contracts, &c.

175.—(1) The executive authority of the Federation and of a Province shall extend, subject to any Act of the appropriate Legislature, to the grant, sale, disposition or mortgage of any property vested in His Majesty for the purposes of the government of the Federation or of the Province, as the case may be, and to the purchase or acquisition of property on behalf of His Majesty for those purposes respectively, and to the making of contracts:

Provided that any land or building used as an official residence of the Governor-General or a Governor shall not be sold, nor any change made in the purposes for which it is being used, except with the concurrence, in his discretion, of the Governor-General or the Governor, as the case may be.

(2) All property acquired for the purposes of the Federation or of a Province or of the exercise of the functions of the Crown in its relations with Indian States, as the case may be, shall vest in His Majesty for those purposes.

(3) Subject to the provisions of this Act with respect to the Federal Railway Authority, all contracts made in the exercise of the executive authority of the Federation or of a Province shall be expressed to be made by the Governor-General, or by the Governor of the Province, as the case may be, and all such contracts and all assurances of property made in the exercise of that authority shall be executed on behalf of the Governor-General or Governor by such persons and in such manner as he may direct or authorise.

(4) Neither the Governor-General, nor the Governor of a Province, nor the Secretary of State shall be personally liable in respect of any contract or assurance made or executed for the purposes of this Act, or for the purposes of the Government of India Act or of any Act repealed thereby, nor shall any person making or executing any such contract or assurance on behalf of any of them be personally liable in respect thereof.

Suits and proceedings.

176.—(1) The Federation may sue or be sued by the name of the Federation of India and a Provincial Government may sue or be sued by the name of the Province, and, without prejudice to the subsequent provisions of this chapter, may, subject to any provisions which may be made by Act of the Federal or a Provincial Legislature enacted by virtue of powers conferred on that Legislature by this Act, sue or be sued in relation to their respective affairs in the like cases as the Secretary of State in Council might have sued or been sued if this Act had not been passed.

(2) Rules of court may provide that, where the Federation, the Federal Railway Authority, or a Province sue or are sued in the United Kingdom, service of all proceedings may be effected upon the High Commissioner for India or such other representative in the United Kingdom of the Federation, Authority or Province, as may be specified in the rules.

Existing contracts of Secretary of State in Council.

177.—(1) Without prejudice to the special provisions of the next succeeding section relating to loans, guarantees and other financial obligations, any contract made before the commencement of Part III of this Act by, or on behalf of, the Secretary of State in Council shall, as from that date—

(*a*) if it was made for purposes which will after the commencement of Part III of this Act be purposes of the Government of a Province, have effect as if it had been made on behalf of that Province; and

(*b*) in any other case have effect as if it had been made on behalf of the Federation,

and references in any such contract to the Secretary of State in Council shall be construed accordingly, and any such contract may be enforced in accordance with the provisions of the next but one succeeding section.

(2) This section does not apply in relation to contracts solely in connection with the affairs of Burma or Aden, or solely for purposes which will after the commencement of Part III of this Act be purposes of His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States.

Special provisions as to existing loans, guarantees and other financial obligations.

178.—(1) All liabilities in respect of such loans, guarantees and other financial obligations of the Secretary of State in Council as are outstanding immediately before the commencement of Part III of this Act and were secured on the revenues of India shall, as from that date, be liabilities of the Federation and shall be secured upon the revenues of the Federation and of all the Provinces.

(2) All enactments relating to any such loans, guarantees and other financial obligations of the Secretary of State in Council as aforesaid shall, in relation to those loans, guarantees and obligations, continue to have effect with the substitution therein, except in so far as the context otherwise requires, of references to the Secretary of State for references to the Secretary of State in Council, and with such other modifications and such adaptations as His Majesty in Council may deem necessary.

(3) No deduction in respect of taxation imposed by or under any existing Indian law or any law of the Federal or a Provincial Legislature shall be made from any payment of principal or interest in respect of any securities, the interest whereon is payable in sterling, being a payment which would, but for the provisions of this Act, have fallen to be made by the Secretary of State in Council.

(4) If in the case of any Local Government in India there are outstanding immediately before the commencement of Part III of this Act any loans or other financial obligations secured upon the revenues of the Province, all liabilities in respect of those loans and obligations shall, as from that date, be liabilities of the Government of, and shall be secured upon the revenues of, the corresponding Province under this Act.

(5) Any liabilities in respect of any such loan, guarantee or financial obligation as is mentioned in this section may be enforced in accordance with the provisions of the next succeeding section.

(6) The provisions of this section apply to the liabilities of the Secretary of State in Council in respect of the Burma Railways three per cent. Debenture Stock, but, save as aforesaid, do not apply to any liability solely in connection with the affairs of Burma or Aden.

Legal proceedings as to certain matters.

179.—(1) Any proceedings which, if this Act had not been passed, might have been brought against the Secretary of State in Council may, in the case of any liability arising before the commencement of Part III of this Act or arising under any contract or statute made or passed before that date, be brought against the Federation or a Province, according to the subject matter of the proceedings, or, at the option of the person by whom the proceedings are brought, against the Secretary of State, and any sum ordered to be paid by way of debt, damages or costs in

PART VII. —*cont.*

any such proceedings, and any costs or expenses incurred in or in connection with the defence thereof, shall be paid out of the revenues of the Federation or the Province, as the case may be, or, if the proceedings are brought against the Secretary of State, out of such revenues as the Secretary of State may direct.

The provisions of this subsection shall apply with respect to proceedings arising under any contract declared by the terms thereof to be supplemental to any such contract as is mentioned in those provisions as they apply in relation to the contracts so mentioned.

(2) If at the commencement of Part III of this Act any legal proceedings are pending in the United Kingdom or in India to which the Secretary of State in Council is a party, the Secretary of State shall be deemed to be substituted in those proceedings for the Secretary of State in Council, and the provisions of subsection (1) of this section shall apply in relation to sums ordered to be paid, and costs or expenses incurred, by the Secretary of State or the Secretary of State in Council in or in connection with any such proceedings as they apply in relation to sums ordered to be paid in, and costs or expenses incurred in or in connection with the defence of, proceedings brought against the Secretary of State under the said subsection (1).

(3) Any contract made in respect of the affairs of the Federation or a Province by or on behalf of the Secretary of State after the commencement of Part III of this Act may provide that any proceedings under that contract shall be brought in the United Kingdom by or against the Secretary of State and any such proceedings may be brought accordingly, and any sum ordered to be paid by the Secretary of State by way of debt, damages or costs in any such proceedings, and any costs or expenses incurred by the Secretary of State in or in connection therewith, shall be paid out of the revenues of the Federation or the Province, as the case may be.

(4) Nothing in this section shall be construed as imposing any liability upon the Exchequer of the United Kingdom in respect of any debt, damages, costs or expenses in or in connection with any proceedings brought or continued by or against the Secretary of State by virtue of this section, or as derogating from the provisions of subsection (1) of the last preceding section.

(5) This section does not apply in relation to contracts or liabilities solely in connection with the affairs of Burma or Aden, other than liabilities which are by this Act made liabilities of the Federation, or to contracts or liabilities for purposes which will, after the commencement of Part III of this Act, be purposes of His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States.

Contracts in connection with functions of Crown in its relations with Indian States.

180.—(1) Any contract made before the commencement of Part III of this Act by or on behalf of the Secretary of State in Council solely in connection with the exercise of the functions of the Crown in its relations with Indian States shall, as from the commencement of Part III of this Act, have effect as if it had been made on behalf of His Majesty and references in any such contract to the Secretary of State in Council shall be construed accordingly.

(2) Any proceedings which if this Act had not been passed might have been brought by or against the Secretary of State in Council in respect of any such contract as aforesaid may be brought by or against the Secretary of State and if at the commencement of Part III of this Act any proceedings in respect of any such contract are pending in the United Kingdom or in India to which the Secretary of State in Council is a party, the Secretary of State shall be deemed to be substituted in those proceedings for the Secretary of State in Council.

(3) Any contract made after the commencement of Part III of this Act on behalf of His Majesty solely in connection with the exercise of the said functions of the Crown shall, if it is such a contract as would have been legally enforceable by or against the Secretary of State in Council, be legally enforceable by or against the Secretary of State.

(4) Any sums ordered to be paid by the Secretary of State by way of debt, damages or costs in any such proceedings as are mentioned in this section and any costs or expenses incurred by him in or in connection with the prosecution or defence thereof shall be deemed to be sums required for the discharge of the functions of the Crown in its relations with Indian States, and any sum received by the Secretary of State by virtue of any such proceedings shall be paid or credited to the Federation.

PART VIII.

THE FEDERAL RAILWAY AUTHORITY.

Executive authority in respect of railways to be exercised by Federal Railway Authority.

181.—(1) The executive authority of the Federation in respect of the regulation and the construction, maintenance and operation of railways shall be exercised by a Federal Railway Authority (hereinafter referred to as "the Authority").

(2) The said executive authority extends to the carrying on in connection with any Federal railways of such undertakings as, in the opinion of the Authority, it is expedient should be carried on in connection therewith and to the making and carrying into effect of arrangements with other persons for the carrying on by those persons of such undertakings:

Provided that, as respects their powers under this subsection, the Authority shall be subject to any relevant provisions of any Federal, Provincial or existing Indian law, and to the relevant provisions of the law of any Federated State, but nothing in this subsection shall be construed as limiting the provisions of Part VI of this Act regulating the relations of the Federation with Provinces and States.

(3) Notwithstanding anything in this section, the Federal Government or its officers shall perform in regard to the construction, equipment, and operation of railways such functions for securing the safety both of members of the public and of persons operating the railways, including the holding of inquiries into the causes of accidents, as in the opinion of the Federal Government should be performed by persons independent of the Authority and of any railway administration.

So much of Part X of this Act as provides that powers in relation to railway services of the Federation shall be exercised by the Authority shall not apply in relation to officers of the Federal Government employed in the performance of any of the functions mentioned in this subsection.

Composition, &c. of Railway Authority.

182.—(1) Not less than three-sevenths of the members of the Authority shall be persons appointed by the Governor-General in his discretion, and the Governor-General shall in his discretion appoint a member of the Authority to be the President thereof.

(2) Subject as aforesaid, the provisions of the Eighth Schedule to this Act, as supplemented or amended by any Act of the Federal Legislature for the time being in force, shall have effect with respect to the appointment, qualifications and conditions of service of members of the Authority, and with respect to the Authority's proceedings, executive staff and liability to income tax :

Provided that, except with the previous sanction of the Governor-General in his discretion, there shall not be introduced into, or moved in, either Chamber of the Federal Legislature any Bill or any amendment for supplementing or amending the provisions of the said Schedule.

Directions and principles to be observed by Railway Authority.

183.—(1) The Authority in discharging their functions under this Act shall act on business principles, due regard being had by them to the interests of agriculture, industry, commerce and the general public, and in particular shall make proper provision for meeting out of their receipts on revenue account all expenditure to which such receipts are applicable under the provisions of this Part of this Act.

(2) In the discharge of their said functions the Authority shall be guided by such instructions on questions of policy as may be given to them by the Federal Government.

If any dispute arises under this subsection between the Federal Government and the Authority as to whether a question is or is not a question of policy, the decision of the Governor-General in his discretion shall be final.

(3) The provisions of subsection (1) of this section shall apply in relation to the discharge by the Federal Government of their functions with respect to railways as they apply in relation to the functions of the Authority, but nothing in this subsection shall be construed as limiting the powers of the Governor-General under the next succeeding subsection.

(4) The provisions of this Act relating to the special responsibilities of the Governor-General, and to his duty as regards certain matters to exercise his functions in his discretion or to exercise his individual judgment, shall apply as regards matters entrusted to the Authority as if the executive authority of the Federation in regard to those matters were vested in him, and as if the functions

PART VIII. —*cont.*

of the Authority as regards those matters were the functions of ministers, and the Governor-General may issue to the Authority such directions as he may deem necessary as regards any matter which appears to him to involve any of his special responsibilities, or as regards which he is by or under this Act required to act in his discretion or to exercise his individual judgment, and the Authority shall give effect to any directions so issued to them.

Conduct of business between Railway Authority and Federal Government.

184.—(1) The Governor-General exercising his individual judgment, but after consultation with the Authority, may make rules for the more convenient transaction of business arising out of the relations between the Federal Government and the Authority.

(2) The rules shall include provisions requiring the Authority to transmit to the Federal Government all such information with respect to their business as may be specified in the rules, or as the Governor-General may otherwise require to be so transmitted, and in particular provisions requiring the Authority and their chief executive officer to bring to the notice of the Governor-General any matter under consideration by the Authority or by that officer which involves, or appears to them or him likely to involve, any special responsibility of the Governor-General.

Acquisition and sale of land, contracts and working agreements.

185.—(1) Except in such classes of case as may be specified in regulations to be made by the Federal Government, the Authority shall not acquire or dispose of any land, and, when it is necessary for the Authority to acquire compulsorily any land for the purposes of their functions, the Federal Government shall cause that land to be acquired on their behalf and at their expense.

(2) Contracts made by or on behalf of the Authority shall be enforceable by or against the Authority and not by or against the Federation, and, subject to any provision which may hereafter be made by Act of the Federal Legislature, the Authority may sue and be sued in the like manner and in the like cases as a company operating a railway may sue and be sued:

Provided that this subsection does not apply in relation to any contract declared by its terms to be supplemental to a contract made before the establishment of the Authority, and any such supplemental contract may be enforced in any manner in which the principal contract may be enforced.

(3) The Authority may make working agreements with, and carry out working agreements made with, any Indian State or person owning or operating any railway in India, or in territories adjacent to India, with respect to the persons by whom and the terms on which any of the railways with which the parties are respectively concerned shall be operated.

Finance of the Railway Authority.

186.—(1) The Authority shall establish, maintain and control a fund (which shall be known as the "Railway Fund") and all moneys received by the Authority, whether on revenue account or on capital account, in the discharge of their functions and all moneys provided, whether on revenue account or on capital account, out of the revenues of the Federation to enable them to discharge those functions shall be paid into that Fund, and all expenditure, whether on revenue account or on capital account, required for the discharge of their functions shall be defrayed out of that Fund:

Provided that nothing in this subsection shall prevent the Authority from establishing and maintaining separate provident funds for the benefit of persons who are or have been employed in connection with railways.

(2) The receipts of the Authority on revenue account in any financial year shall be applied in—

(*a*) defraying working expenses;

(*b*) meeting payments due under contracts or agreements to railway undertakings;

(*c*) paying pensions, and contributions to provident funds;

(*d*) repaying to the revenues of the Federation so much of any pensions and contributions to provident funds charged by this Act on those revenues as is attributable to service on railways in India;

(*e*) making due provision for maintenance, renewals, improvements and depreciation;

(*f*) making to the revenues of the Federation any payments by way of interest which they are required by this Part of this Act to make; and

(*g*) defraying other expenses properly chargeable against revenue in that year.

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(3) Any surpluses on revenue account shown in the accounts of the Authority shall be apportioned between the Federation and the Authority in accordance with a scheme to be prepared, and from time to time reviewed, by the Federal Government, or, until such a scheme has been prepared, in accordance with the principles which immediately before the establishment of the Authority regulated the application of surpluses in railway accounts, and any sum apportioned to the Federation under this subsection shall be transferred accordingly and shall form part of the revenues of the Federation.

(4) The Federation may provide any moneys, whether on revenue account or capital account, for the purposes of the Railway Authority, but, where any moneys are so provided, the provision thereof shall be deemed to be expenditure and shall accordingly be shown as such in the estimates of expenditure laid before the Chambers of the Legislature.

Provisions as to certain obligations of the Railway Authority.

187.—(1) There shall be deemed to be owing from the Authority to the Federation such sum as may be agreed or, in default of agreement, determined by the Governor-General in his discretion, to be equivalent to the amount of the moneys provided, whether before or after the passing of this Act, out of the revenues of India or of the Federation for capital purposes in connection with railways in India (exclusive of Burma) and the Authority shall out of their receipts on revenue account pay to the Federation interest on that amount at such rate as may be so agreed or determined, and also make payments in reduction of the principal of that amount in accordance with a repayment scheme so agreed or determined.

For the purposes of this subsection, where the Secretary of State in Council has assumed or incurred any obligation in connection with any such railways, he shall be deemed to have provided for the said purposes an amount equal to the capital value of that obligation as shown in the accounts of the Government of India immediately before the establishment of the Authority.

Nothing in this subsection shall be construed as preventing the Authority from making payments to the Federation in reduction of the principal of any such amount as aforesaid out of moneys other than receipts on revenue account.

(2) It shall be an obligation of the Authority to repay to the Federation any sums defrayed out of the revenues of the Federation in respect of any debt, damages, costs, or expenses in, or in connection with, any proceedings brought or continued by or against the Federation or against the Secretary of State under Part VII of this Act in respect of railways in India.

(3) It shall be an obligation of the Authority to pay to any Province or Indian State such sums as may be equivalent to the expenses incurred by that Province or State in the provision of police required for the maintenance of order on Federal railway premises, and any question which may arise between the Authority and a Province or State as to the amount of any expenses so incurred shall be determined by the Governor-General in his discretion.

Investment of funds of Railway Authority.

188. Subject to such conditions, if any, as may be prescribed by the Federal Government, the Authority may from time to time invest any moneys in the railway fund or any provident fund which are not for the time being required to meet expenses properly defrayable out of that fund, and may, subject as aforesaid, from time to time transfer and realise investments made by them.

Special provisions as to certain existing funds.

189.—(1) Nothing in the foregoing provisions of this Part of this Act shall be construed as entitling the Authority to require that any moneys which immediately before the establishment of the Authority were held by the Governor-General in Council on account of any railway depreciation fund, reserve fund or provident fund shall be transferred to the Authority for investment by them, but the Authority may from time to time require the transfer to themselves of so much of any such fund as they require to defray expenditure chargeable against that fund, and the Federal Government shall credit each such fund with interest on the untransferred balance thereof at such rate as may be agreed, or, in default of agreement, determined by the Governor-General in his discretion.

(2) In this section references to any such fund as aforesaid shall be construed as references to so much of that fund as is not attributable to the railways of Burma.

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Audit and annual reports.

190.—(1) The accounts of the receipts and expenditure of the Authority shall be audited and certified by, or on behalf of, the Auditor-General of India.

(2) The Authority shall publish annually a report of their operations during the preceding year and a statement of accounts in a form approved by the Auditor-General.

Railway Rates Committee.

191. The Governor-General may from time to time appoint a Railway Rates Committee to give advice to the Authority in connection with any dispute between persons using, or desiring to use, a railway and the Authority as to rates or traffic facilities which he may require the Authority to refer to the committee.

Bills and amendments for regulating rates and fares to require recommendation of Governor-General.

192. A Bill or amendment making provision for regulating the rates or fares to be charged on any railway shall not be introduced or moved in either Chamber of the Federal Legislature except on the recommendation of the Governor-General.

Obligation of Railway Authority and Federated States to afford mutual traffic facilities and to avoid unfair discrimination, &c.

193.—(1) It shall be the duty of the Authority and every Federated State so to exercise their powers in relation to the railways with which they are respectively concerned as to afford all reasonable facilities for the receiving, forwarding, and delivering of traffic upon and from those railways, including the receiving, forwarding, and delivering of through traffic at through rates, and as to secure that there shall be between one railway system and another no unfair discrimination, by the granting of undue preferences or otherwise, and no unfair or uneconomic competition.

(2) Any complaint by the Authority against a Federated State or by a Federated State against the Authority on the ground that the provisions of the preceding subsection have not been complied with shall be made to and determined by the Railway Tribunal.

Appeal by State to Railway Tribunal from certain directions of Railway Authority

194. If the Authority, in the exercise of any executive authority of the Federation in relation to interchange of traffic, or maximum or minimum rates and fares, or station or service terminal charges, give any direction to a Federated State, the State may complain that the direction discriminates unfairly against the railways of the State, or imposes on the State an obligation to afford facilities which are not in the circumstances reasonable, and any such complaint shall be determined by the Railway Tribunal.

Construction and reconstruction of railways.

195.—(1) The Governor-General acting in his discretion shall make rules requiring the Authority and any Federated State to give notice in such cases as the rules may prescribe of any proposal for constructing a railway or for altering the alignment or gauge of a railway, and to deposit plans.

(2) The rules so made shall contain provisions enabling objections to be lodged by the Authority or by a Federated State on the ground that the carrying out of the proposal will result in unfair or uneconomic competition with a Federal railway or a State railway, as the case may be, and, if an objection so lodged is not withdrawn within the prescribed time, the Governor-General shall refer to the Railway Tribunal the question whether the proposal ought to be carried into effect, either without modification or with such modification as the Tribunal may approve, and the proposal shall not be proceeded with save in accordance with the decision of the Tribunal.

(3) This section shall not apply in any case where the Governor-General in his discretion certifies that for reasons connected with defence effect should, or should not, be given to a proposal.

Railway Tribunal.

196.—(1) There shall be a Tribunal (in this Act referred to as " the Railway Tribunal ") consisting of a President and two other persons to be selected to act in each case by the Governor-General in his discretion from a panel of eight persons appointed by him in his discretion, being persons with railway, administrative, or business experience.

(2) The President shall be such one of the judges of the Federal Court as may be appointed for the purpose by the Governor-General in his discretion after consultation with the Chief Justice of India and shall hold office for such period of not less than five years as may be specified in the appointment, and shall be eligible for re-appointment for a further period of five years or any less period :

Provided that, if the President ceases to be a judge of the Federal Court, he shall thereupon cease to be President of the Tribunal and, if he is for any reason

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temporarily unable to act, the Governor-General in his discretion may after the like consultation appoint another judge of the Federal Court to act for the time being in his place.

(3) It shall be the duty of the Railway Tribunal to exercise such jurisdiction as is conferred on it by this Act, and for that purpose the Tribunal may make such orders, including interim orders, orders varying or discharging a direction or order of the Authority, orders for the payment of compensation or damages and of costs and orders for the production of documents and the attendance of witnesses, as the circumstances of the case may require, and it shall be the duty of the Authority and of every Federated State and of every other person or authority affected thereby to give effect to any such order.

(4) An appeal shall lie to the Federal Court from any decision of the Railway Tribunal on a question of law, but no appeal shall lie from the decision of the Federal Court on any such appeal.

(5) The Railway Tribunal or the Federal Court, as the case may be, may, on application made for the purpose, if satisfied that in view of an alteration in the circumstances it is proper so to do, vary or revoke any previous order made by it.

(6) The President of the Railway Tribunal may, with the approval of the Governor-General in his discretion, make rules regulating the practice and procedure of the Tribunal and the fees to be taken in proceedings before it.

(7) Subject to the provisions of this section relating to appeals to the Federal Court, no court shall have any jurisdiction with respect to any matter with respect to which the Railway Tribunal has jurisdiction.

(8) There shall be paid out of the revenues of the Federation to the members of the Railway Tribunal other than the President such remuneration as may be determined by the Governor-General in his discretion, and the administrative expenses of the Railway Tribunal, including any such remuneration as aforesaid, shall be charged on the revenues of the Federation, and any fees or other moneys taken by the Tribunal shall form part of those revenues.

The Governor-General shall exercise his individual judgment as to the amount to be included in respect of the administrative expenses of the Railway Tribunal in any estimates of expenditure laid by him before the Chambers of the Federal Legislature.

Rights of railway companies in respect of arbitration under contracts.

197.—(1) Without prejudice to the general provisions of this Act with respect to rights and liabilities under contracts made by or on behalf of the Secretary of State in Council, the provisions of this section shall have effect with respect to any contract so made with a railway company which immediately before the commencement of Part III of this Act was operating a railway in British India.

(2) If a dispute arises under any such contract between the railway company concerned and either the Authority or the Federal Government, and if the matter in dispute is of such a nature that under the contract the company might require, or, but for some provision of this Act, might have required, it to be submitted to arbitration, the dispute shall be deemed to have arisen between the company and the Secretary of State, and the provisions of the contract relating to the determination of such a dispute shall have effect with the substitution of the Secretary of State for the Secretary of State in Council.

Any award made in an arbitration under the foregoing provisions of this section and any settlement of the dispute agreed to by the Secretary of State with the concurrence of his advisers shall be binding on the Federal Government and the Authority, and any sum which the Secretary of State may become liable or may so agree to pay by way of debt, damage or costs, and any costs or expenses incurred by him in connection with the matter, shall be paid out of the revenues of the Federation and shall be charged on those revenues but shall be a debt due to the Federation from the Authority.

Railways in Indian States which have not federated.

198. If and in so far as His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States may entrust to the Authority the performance of any functions in relation to railways in an Indian State which is not a Federated State, the Authority shall undertake the performance of those functions.

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Official directors of Indian railway companies.

199. Any powers of the Secretary of State in Council with respect to the appointment of directors and deputy directors of Indian railway companies shall be exercised by the Governor-General in his discretion after consultation with the Authority.

PART IX.

THE JUDICATURE.

CHAPTER I.

The Federal Court.

Establishment and constitution of Federal Court.

200.—(1) There shall be a Federal Court consisting of a Chief Justice of India and such number of other judges as His Majesty may deem necessary, but unless and until an address has been presented by the Federal Legislature to the Governor-General for submission to His Majesty praying for an increase in the number of judges, the number of puisne judges shall not exceed six.

(2) Every judge of the Federal Court shall be appointed by His Majesty by warrant under the Royal Sign Manual and shall hold office until he attains the age of sixty-five years:

Provided that—

(*a*) a judge may by resignation under his hand addressed to the Governor-General resign his office;

(*b*) a judge may be removed from his office by His Majesty by warrant under the Royal Sign Manual on the ground of misbehaviour or of infirmity of mind or body, if the Judicial Committee of the Privy Council, on reference being made to them by His Majesty, report that the judge ought on any such ground to be removed.

(3) A person shall not be qualified for appointment as a judge of the Federal Court unless he—

(*a*) has been for at least five years a judge of a High Court in British India or in a Federated State; or

(*b*) is a barrister of England or Northern Ireland of at least ten years standing, or a member of the Faculty of Advocates in Scotland of at least ten years standing; or (*c*) has been for at least ten years a pleader of a High Court in British India or in a Federated State or of two or more such Courts in succession:

Provided that—

(i) a person shall not be qualified for appointment as Chief Justice of India unless he is, or when first appointed to judicial office was, a barrister, a member of the Faculty of Advocates or a pleader; and

(ii) in relation to the Chief Justice of India, for the references in paragraphs (*b*) and (*c*) of this subsection to ten years there shall be substituted references to fifteen years.

In computing for the purposes of this subsection the standing of a barrister or a member of the Faculty of Advocates, or the period during which a person has been a pleader, any period during which a person has held judicial office after he became a barrister, a member of the Faculty of Advocates or a pleader, as the case may be, shall be included.

(4) Every person appointed to be a judge of the Federal Court shall, before he enters upon his office, make and subscribe before the Governor-General or some person appointed by him an oath according to the form set out in that behalf in the Fourth Schedule to this Act.

Salaries, &c. of judges.

201. The judges of the Federal Court shall be entitled to such salaries and allowances, including allowances for expenses in respect of equipment and travelling upon appointment, and to such rights in respect of leave and pensions, as may from time to time be fixed by His Majesty in Council:

Provided that neither the salary of a judge nor his rights in respect of leave of absence or pension shall be varied to his disadvantage after his appointment.

Temporary appointment of acting Chief Justice.

202. If the office of Chief Justice of India becomes vacant, or if the Chief Justice is, by reason of absence or for any other reason, unable to perform the duties of his office, those duties shall, until some person appointed by His Majesty to the vacant office has entered on the duties thereof, or until the Chief Justice has resumed his duties, as the case may be, be performed

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by such one of the other judges of the court as the Governor-General may in his discretion appoint for the purpose.

Seat of Federal Court.

203. The Federal Court shall be a court of record and shall sit in Delhi and at such other place or places, if any, as the Chief Justice of India may, with the approval of the Governor-General, from time to time appoint.

Original jurisdiction of Federal Court.

204.—(1) Subject to the provisions of this Act, the Federal Court shall, to the exclusion of any other court, have an original jurisdiction in any dispute between any two or more of the following parties, that is to say, the Federation, any of the Provinces or any of the Federated States, if and in so far as the dispute involves any question (whether of law or fact) on which the existence or extent of a legal right depends:

Provided that the said jurisdiction shall not extend to—

(*a*) a dispute to which a State is a party, unless the dispute—

(i) concerns the interpretation of this Act or of an Order in Council made thereunder, or the extent of the legislative or executive authority vested in the Federation by virtue of the Instrument of Accession of that State; or

(ii) arises under an agreement made under Part VI of this Act in relation to the administration in that State of a law of the Federal Legislature, or otherwise concerns some matter with respect to which the Federal Legislature has power to make laws for that State; or

(iii) arises under an agreement made after the establishment of the Federation, with the approval of His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States, between that State and the Federation or a Province, being an agreement which expressly provides that the said jurisdiction shall extend to such a dispute;

(*b*) a dispute arising under any agreement which expressly provides that the said jurisdiction shall not extend to such a dispute.

(2) The Federal Court in the exercise of its original jurisdiction shall not pronounce any judgment other than a declaratory judgment.

Appellate jurisdiction of Federal Court in appeals from High Courts in British India.

205.—(1) An appeal shall lie to the Federal Court from any judgment, decree or final order of a High Court in British India, if the High Court certifies that the case involves a substantial question of law as to the interpretation of this Act or any Order in Council made thereunder, and it shall be the duty of every High Court in British India to consider in every case whether or not any such question is involved and of its own motion to give or to withhold a certificate accordingly.

(2) Where such a certificate is given, any party in the case may appeal to the Federal Court on the ground that any such question as aforesaid has been wrongly decided, and on any ground on which that party could have appealed without special leave to His Majesty in Council if no such certificate had been given, and, with the leave of the Federal Court, on any other ground, and no direct appeal shall lie to His Majesty in Council, either with or without special leave.

Power of Federal Legislature to enlarge appellate jurisdiction.

206.—(1) The Federal Legislature may by Act provide that in such civil cases as may be specified in the Act an appeal shall lie to the Federal Court from a judgment decree or final order of a High Court in British India without any such certificate as aforesaid, but no appeal shall lie under any such Act unless—

(*a*) the amount or value of the subject matter of the dispute in the court of first instance and still in dispute on appeal was and is not less than fifty thousand rupees or such other sum not less than fifteen thousand rupees as may be specified by the Act, or the judgment decree or final order involves directly or indirectly some claim or question respecting property of the like amount or value; or

(*b*) the Federal Court gives special leave to appeal.

PART IX. —*cont.*

(2) If the Federal Legislature makes such provision as is mentioned in the last preceding subsection, consequential provision may also be made by Act of the Federal Legislature for the abolition in whole or in part of direct appeals in civil cases from High Courts in British India to His Majesty in Council, either with or without special leave.

(3) A Bill or amendment for any of the purposes specified in this section shall not be introduced into, or moved in, either Chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion.

Appellate jurisdiction of Federal Court in appeals from High Courts in Federated States.

207.—(1) An appeal shall lie to the Federal Court from a High Court in a Federated State on the ground that a question of law has been wrongly decided, being a question which concerns the interpretation of this Act or of an Order in Council made thereunder or the extent of the legislative or executive authority vested in the Federation by virtue of the Instrument of Accession of that State, or arises under an agreement made under Part VI of this Act in relation to the administration in that State of a law of the Federal Legislature.

(2) An appeal under this section shall be by way of special case to be stated for the opinion of the Federal Court by the High Court, and the Federal Court may require a case to be so stated, and may return any case so stated in order that further facts may be stated therein.

Appeals to His Majesty in Council.

208. An appeal may be brought to His Majesty in Council from a decision of the Federal Court—

(*a*) from any judgment of the Federal Court given in the exercise of its original jurisdiction in any dispute which concerns the interpretation of this Act or of an Order in Council made thereunder, or the extent of the legislative or executive authority vested in the Federation by virtue of the Instrument of Accession of any State, or arises under an agreement made under Part VI of this Act in relation to the administration in any State of a law of the Federal Legislature, without leave; and

(*b*) in any other case, by leave of the Federal Court or of His Majesty in Council.

Form of judgment on appeal.

209.—(1) The Federal Court shall, where it allows an appeal, remit the case to the court from which the appeal was brought with a declaration as to the judgment, decree or order which is to be substituted for the judgment, decree or order appealed against, and the court from which the appeal was brought shall give effect to the decision of the Federal Court.

(2) Where the Federal Court upon any appeal makes any order as to the costs of the proceedings in the Federal Court, it shall, as soon as the amount of the costs to be paid is ascertained, transmit its order for the payment of that sum to the court from which the appeal was brought and that court shall give effect to the order.

(3) The Federal Court may, subject to such terms or conditions as it may think fit to impose, order a stay of execution in any case under appeal to the Court, pending the hearing of the appeal, and execution shall be stayed accordingly.

Enforcement of decrees and orders of Federal Court and orders as to discovery, &c.

210.—(1) All authorities, civil and judicial, throughout the Federation, shall act in aid of the Federal Court.

(2) The Federal Court shall, as respects British India and the Federated States, have power to make any order for the purpose of securing the attendance of any person, the discovery or production of any documents, or the investigation or punishment of any contempt of court, which any High Court in British India has power to make as respects the territory within its jurisdiction, and any such orders, and any orders of the Federal Court as to the costs of and incidental to any proceedings therein, shall be enforceable by all courts and authorities in every part of British India or of any Federated State as if they were orders duly made by the highest court exercising civil or criminal jurisdiction, as the case may be, in that part.

(3) Nothing in this section—

(*a*) shall apply to any such order with respect to costs as is mentioned in subsection (2) of the last preceding section; or

(*b*) shall, as regards a Federated State, apply in relation to any jurisdiction exercisable by the

PART IX. —*cont.*

Federal Court by reason only of the making by the Federal Legislature of such provision as is mentioned in this chapter for enlarging the appellate jurisdiction of the Federal Court.

Letters of request to Federated States.

211. Where in any case the Federal Court require a special case to be stated or re-stated by, or remit a case to, or order a stay of execution in a case from, a High Court in a Federated State, or require the aid of the civil or judicial authorities in a Federated State, the Federal Court shall cause letters of request in that behalf to be sent to the Ruler of the State, and the Ruler shall cause such communication to be made to the High Court or to any judicial or civil authority as the circumstances may require.

Law declared by Federal Court and Privy Council to be binding on all courts.

212. The law declared by the Federal Court and by any judgment of the Privy Council shall, so far as applicable, be recognised as binding on, and shall be followed by, all courts in British India, and, so far as respects the application and interpretation of this Act or any Order in Council thereunder or any matter with respect to which the Federal Legislature has power to make laws in relation to the State, in any Federated State.

Power of Governor-General to consult Federal Court.

213.—(1) If at any time it appears to the Governor-General that a question of law has arisen, or is likely to arise, which is of such a nature and of such public importance that it is expedient to obtain the opinion of the Federal Court upon it, he may in his discretion refer the question to that court for consideration, and the court may, after such hearing as they think fit, report to the Governor-General thereon.

(2) No report shall be made under this section save in accordance with an opinion delivered in open court with the concurrence of a majority of the judges present at the hearing of the case, but nothing in this subsection shall be deemed to prevent a judge who does not concur from delivering a dissenting opinion.

Rules of court, &c.

214.—(1) The Federal Court may from time to time, with the approval of the Governor-General in his discretion, make rules of court for regulating generally the practice and procedure of the court, including rules as to the persons practising before the court, as to the time within which appeals to the court are to be entered, as to the costs of and incidental to any proceedings in the court, and as to the fees to be charged in respect of proceedings therein, and in particular may make rules providing for the summary determination of any appeal which appears to the court to be frivolous or vexatious or brought for the purpose of delay.

(2) Rules made under this section may fix the minimum number of judges who are to sit for any purpose, so however that no case shall be decided by less than three judges:

Provided that, if the Federal Legislature makes such provision as is mentioned in this chapter for enlarging the appellate jurisdiction of the court, the rules shall provide for the constitution of a special division of the court for the purpose of deciding all cases which would have been within the jurisdiction of the court even if its jurisdiction had not been so enlarged.

(3) Subject to the provisions of any rules of court, the Chief Justice of India shall determine what judges are to constitute any division of the court and what judges are to sit for any purpose.

(4) No judgment shall be delivered by the Federal Court save in open court and with the concurrence of a majority of the judges present at the hearing of the case, but nothing in this subsection shall be deemed to prevent a judge who does not concur from delivering a dissenting judgment.

(5) All proceedings in the Federal Court shall be in the English language.

Ancillary powers of Federal Court.

215. The Federal Legislature may make provision by Act for conferring upon the Federal Court such supplemental powers not inconsistent with any of the provisions of this Act as may appear to be necessary or desirable for the purpose of enabling the court more effectively to exercise the jurisdiction conferred upon it by or under this Act.

Expenses of Federal Court.

216.—(1) The administrative expenses of the Federal Court, including all salaries, allowances and pensions payable to or in respect of the officers and servants of

PART IX. —*cont.*

the court, shall be charged upon the revenues of the Federation, and any fees or other moneys taken by the court shall form part of those revenues.

(2) The Governor-General shall exercise his individual judgment as to the amount to be included in respect of the administrative expenses of the Federal Court in any estimates of expenditure laid by him before the Chambers of the Federal Legislature.

Construction of references to High Courts in States.

217. References in any provision of this Part of this Act to a High Court in a Federated State shall be construed as references to any court which His Majesty may, after communication with the Ruler of the State, declare to be a High Court for the purposes of that provision.

Savings.

218. Nothing in this chapter shall be construed as conferring, or empowering the Federal Legislature to confer, any right of appeal to the Federal Court in any case in which a High Court in British India is exercising jurisdiction on appeal from a court outside British India, or as affecting any right of appeal in any such case to His Majesty in Council with or without leave.

CHAPTER II.

THE HIGH COURTS IN BRITISH INDIA.

Meaning of "High Court."

219.—(1) The following courts shall in relation to British India be deemed to be High Courts for the purposes of this Act, that is to say, the High Courts in Calcutta, Madras, Bombay, Allahabad, Lahore, and Patna, the Chief Court in Oudh, the Judicial Commissioner's Courts in the Central Provinces and Berar, in the North-West Frontier Province and in Sind, any other court in British India constituted or reconstituted under this chapter as a High Court, and any other comparable court in British India which His Majesty in Council may declare to be a High Court for the purposes of this Act:

Provided that, if provision has been made before the commencement of Part III of this Act for the establishment of a High Court to replace any court or courts mentioned in this subsection, then as from the establishment of the new court this section shall have effect as if the new court were mentioned therein in lieu of the court or courts so replaced.

(2) The provisions of this chapter shall apply to every High Court in British India.

Constitution of High Courts.

220.—(1) Every High Court shall be a court of record and shall consist of a chief justice and such other judges as His Majesty may from time to time deem it necessary to appoint:

Provided that the judges so appointed together with any additional judges appointed by the Governor-General in accordance with the following provisions of this chapter shall at no time exceed in number such maximum number as His Majesty in Council may fix in relation to that court.

(2) Every judge of a High Court shall be appointed by His Majesty by warrant under the Royal Sign Manual and shall hold office until he attains the age of sixty years:

Provided that—

(*a*) a judge may by resignation under his hand addressed to the Governor resign his office;

(*b*) a judge may be removed from his office by His Majesty by warrant under the Royal Sign Manual on the ground of misbehaviour or of infirmity of mind or body, if the Judicial Committee of the Privy Council, on reference being made to them by His Majesty, report that the judge ought on any such ground to be removed.

(3) A person shall not be qualified for appointment as a judge of a High Court unless he—

(*a*) is a barrister of England or Northern Ireland, of at least ten years standing, or a member of the Faculty of Advocates in Scotland of at least ten years standing; or

(*b*) is a member of the Indian Civil Service of at least ten years standing, who has for at least three years served as, or exercised the powers of, a district judge; or

(*c*) has for at least five years held a judicial office in British India not inferior to that of a subordinate judge, or judge of a small cause court; or

Part IX. —*cont.*

(*d*) has for at least ten years been a pleader of any High Court, or of two or more such Courts in succession:

Provided that a person shall not, unless he is, or when first appointed to judicial office was, a barrister, a member of the Faculty of Advocates or a pleader, be qualified for appointment as Chief Justice of any High Court constituted by letters patent until he has served for not less than three years as a judge of a High Court.

In computing for the purposes of this subsection the standing of a barrister or a member of the Faculty of Advocates, or the period during which a person has been a pleader, any period during which the person has held judicial office after he became a barrister, a member of the Faculty of Advocates, or a pleader, as the case may be, shall be included.

(4) Every person appointed to be a judge of a High Court shall, before he enters upon his office, make and subscribe before the Governor or some person appointed by him an oath according to the form set out in that behalf in the Fourth Schedule to this Act.

Salaries, &c. of judges.

221. The judges of the several High Courts shall be entitled to such salaries and allowances, including allowances for expenses in respect of equipment and travelling upon appointment, and to such rights in respect of leave and pensions, as may from time to time be fixed by His Majesty in Council:

Provided that neither the salary of a judge, nor his rights in respect of leave of absence or pension, shall be varied to his disadvantage after his appointment.

Temporary and additional judges.

222.—(1) If the office of chief justice of a High Court becomes vacant, or if any such chief justice is by reason of absence, or for any other reason, unable to perform the duties of his office, those duties shall, until some person appointed by His Majesty to the vacant office has entered on the duties thereof, or until the chief justice has resumed his duties, as the case may be, be performed by such one of the other judges of the court as the Governor-General may in his discretion think fit to appoint for the purpose.

(2) If the office of any other judge of a High Court becomes vacant, or if any such judge is

appointed to act temporarily as a chief justice, or is by reason of absence, or for any other reason, unable to perform the duties of his office, the Governor-General may in his discretion appoint a person duly qualified for appointment as a judge to act as a judge of that court, and the person so appointed shall, unless the Governor-General in his discretion thinks fit to revoke his appointment, be deemed to be a judge of that court until some person appointed by His Majesty to the vacant office has entered on the duties thereof or until the permanent judge has resumed his duties.

(3) If by reason of any temporary increase in the business of any High Court or by reason of arrears of work in any such court it appears to the Governor-General that the number of the judges of the court should be for the time being increased, the Governor-General in his discretion may, subject to the foregoing provisions of this chapter with respect to the maximum number of judges, appoint persons duly qualified for appointment as judges to be additional judges of the court for such period not exceeding two years as he may specify.

Jurisdiction of existing High Courts.

223. Subject to the provisions of this Part of this Act, to the provisions of any Order in Council made under this or any other Act and to the provisions of any Act of the appropriate Legislature enacted by virtue of powers conferred on that Legislature by this Act, the jurisdiction of, and the law administered in, any existing High Court, and the respective powers of the judges thereof in relation to the administration of justice in the court, including any power to make rules of court and to regulate the sittings of the court and of members thereof sitting alone or in division courts, shall be the same as immediately before the commencement of Part III of this Act.

Administrative functions of High Courts.

224.—(1) Every High Court shall have superintendence over all courts in India for the time being subject to its appellate jurisdiction, and may do any of the following things, that is to say,—

(*a*) call for returns;

(*b*) make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts;

PART IX. —*cont.*

(*c*) prescribe forms in which books, entries and accounts shall be kept by the officers of any such courts; and

(*d*) settle tables of fees to be allowed to the sheriff, attorneys, and all clerks and officers of courts:

Provided that such rules, forms and tables shall not be inconsistent with the provision of any law for the time being in force, and shall require the previous approval of the Governor.

(2) Nothing in this section shall be construed as giving to a High Court any jurisdiction to question any judgment of any inferior court which is not otherwise subject to appeal or revision.

Transfer of certain cases to High Court for trial.

225.—(1) If on an application made in accordance with the provisions of this section a High Court is satisfied that a case pending in an inferior court, being a case which the High Court has power to transfer to itself for trial, involves or is likely to involve the question of the validity of any Federal or Provincial Act, it shall exercise that power.

(2) An application for the purposes of this section shall not be made except, in relation to a Federal Act, by the Advocate-General for the Federation and, in relation to a Provincial Act, by the Advocate-General for the Federation or the Advocate-General for the Province.

Jurisdiction in revenue matters.

226.—(1) Until otherwise provided by Act of the appropriate Legislature, no High Court shall have any original jurisdiction in any matter concerning the revenue, or concerning any act ordered or done in the collection thereof according to the usage and practice of the country or the law for the time being in force.

(2) A Bill or amendment for making such provision as aforesaid shall not be introduced into or moved in a Chamber of the Federal or a Provincial Legislature without the previous sanction of the Governor-General in his discretion or, as the case may be, of the Governor in his discretion.

Proceedings of High Courts to be in English.

227. All proceedings in every High Court shall be in the English language.

Expenses of High Courts.

228.—(1) The administrative expenses of a High Court, including all salaries, allowances and pensions payable to or in respect of the officers and servants of the court and the salaries and allowances of the judges of the court shall be charged upon the revenues of the Province, and any fees or other moneys taken by the court shall form part of those revenues.

(2) The Governor shall exercise his individual judgment as to the amount to be included in respect of such expenses as aforesaid in any estimates of expenditure laid by him before the Legislature.

Power of His Majesty to constitute or reconstitute High Court by letters patent.

229.—(1) His Majesty, if the Chamber or Chambers of the Legislature of any Province present an address in that behalf to the Governor of the Province for submission to His Majesty, may by letters patent constitute a High Court for that Province or any part thereof or reconstitute in like manner any existing High Court for that Province or for any part thereof, or, where there are two High Courts in that Province, amalgamate those courts.

(2) Where any Court is reconstituted, or two Courts are amalgamated, as aforesaid, the letters patent shall provide for the continuance in their respective offices of the existing judges, officers and servants of the Court or Courts, and for the carrying on before the reconstituted Court or the new Court of all pending matters, and may contain such other provisions as may appear to His Majesty to be necessary by reason of the reconstitution or amalgamation.

Extra-provincial jurisdiction of High Courts.

230.—(1) His Majesty in Council may, if satisfied that an agreement in that behalf has been made between the Governments concerned, extend the jurisdiction of a High Court in any Province to any area in British India not forming part of that Province, and the High Court shall thereupon have the same jurisdiction in relation to that area as it has in relation to any other area in relation to which it exercises jurisdiction.

(2) Nothing in this section affects the provisions of any law or letters patent in force immediately before the commencement of Part III of this Act empowering any High Court to exercise jurisdiction in relation to more than one Province or in relation to a Province and an area not forming part of any Province.

PART IX. —*cont.*

(3) Where a High Court exercises jurisdiction in relation to any area or areas outside the Province in which it has its principal seat, nothing in this Act shall be construed—

(*a*) as empowering the Legislature of the Province in which the Court has its principal seat to increase, restrict or abolish that jurisdiction; or

(*b*) as preventing the Legislature having power to make laws in that behalf for any such area from passing such laws with respect to the jurisdiction of the court in relation to that area as it would be competent to pass if the principal seat of the court were in that area.

Saving and definitions.

231.—(1) Any judge appointed before the commencement of Part III of this Act to any High Court shall continue in office and shall be deemed to have been appointed under this Part of this Act, but shall not by virtue of this Act be required to relinquish his office at any earlier age than he would have been required so to do, if this Act had not been passed.

(2) Where a High Court exercises jurisdiction in relation to more than one Province or in relation to a Province and an area not forming part of a Province, references in this chapter to the Governor in relation to the judges and expenses of a High Court and references to the revenues of the Province shall be construed as references to the Governor and the revenues of the Province in which the Court has its principal seat, and the reference to the approval by the Governor of rules, forms and tables for subordinate courts shall be construed as a reference to the approval thereof by the Governor of the Province in which the subordinate court is situate, or, if it is situate in an area not forming part of a Province, by the Governor-General.

PART X.

THE SERVICES OF THE CROWN IN INDIA.

CHAPTER I.

DEFENCE SERVICES.

Pay, &c., of Commander-in-Chief.

232. The pay and allowances of the Commander-in-Chief of His Majesty's Forces in India and the other conditions of his service shall be such as His Majesty in Council may direct.

Control of His Majesty as to defence appointments.

233.—(1) His Majesty in Council may require that appointments to such offices connected with defence as he may specify shall be made by him or in such manner as he may direct.

(2) Nothing in this section derogates from any power vested in His Majesty by virtue of any Act or by virtue of his Royal Prerogative.

Eligibility for commissions in Indian Forces.

234. The power of His Majesty, and of any person authorised in that behalf by His Majesty, to grant commissions in any naval, military or air force raised in India extends to the granting of a commission in any such force to any person who might be, or has been, lawfully enlisted or enrolled in that force.

Control of Secretary of State with respect to conditions of service.

235. Without prejudice to the generality of the powers conferred on him by this Act, the Secretary of State may, acting with the concurrence of his advisers, from time to time specify what rules, regulations and orders affecting the conditions of service of all or any of His Majesty's Forces in India shall be made only with his previous approval.

Saving of rights of appeal.

236. Nothing in this Act affects any right of appeal which members of His Majesty's Forces in India enjoyed immediately before the passing of this Act, and the Secretary of State may entertain any such memorial from a member of those Forces as the Secretary of State, or the Secretary of State in Council, might previously have entertained.

Pay, &c., of members of forces to be charged on Federal revenues.

237. Any sums payable out of the revenues of the Federation in respect of pay, allowances, pensions or other sums payable to, or in respect of, persons who are serving, or have served, in His Majesty's forces shall be charged on those revenues, but nothing herein contained shall be construed as limiting the interpretation of the general provisions of this Act charging on the said revenues expenditure with respect to defence.

Provisions as to certain civilian personnel.

238. The provisions of the three last preceding sections shall apply in relation to persons who, not being members of His Majesty's forces, hold, or have held, posts in India connected with the equipment or administration of those forces or otherwise connected with defence, as they apply in relation to persons who are, or have been, members of those forces.

Part X. —*cont.*

King's India cadetships.

239. In the appointment of officers to His Majesty's army the same provision as heretofore, or equal provision, shall be made for the appointment of sons of persons who have served in India in the military or civil service of the Crown.

In this section the reference to persons who have served in India in the military or civil service of the Crown includes persons who have so served in Burma or in Aden before their respective separations from India.

CHAPTER II.

Civil Services.

General Provisions.

Tenure of office of persons employed in civil capacities in India.

240.—(1) Except as expressly provided by this Act, every person who is a member of a civil service of the Crown in India, or holds any civil post under the Crown in India, holds office during His Majesty's pleasure.

(2) No such person as aforesaid shall be dismissed from the service of His Majesty by any authority subordinate to that by which he was appointed.

(3) No such person as aforesaid shall be dismissed or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him :

Provided that this subsection shall not apply—

(*a*) where a person is dismissed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or

(*b*) where an authority empowered to dismiss a person or reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to give to that person an opportunity of showing cause.

(4) Notwithstanding that a person holding a civil post under the Crown in India holds office during His Majesty's pleasure, any contract under which a person, not being a member of a civil service of the Crown in India, is appointed under this Act to hold such a post may, if the Governor-General, or, as the case may be,

Part X. —*cont.*

the Governor, deems it necessary in order to secure the services of a person having special qualifications, provide for the payment to him of compensation if before the expiration of an agreed period that post is abolished or he is, for reasons not connected with any misconduct on his part, required to vacate that post.

Recruitment and conditions of service.

241.—(1) Except as expressly provided by this Act, appointments to the civil services of, and civil posts under, the Crown in India, shall, after the commencement of Part III of this Act, be made—

(*a*) in the case of services of the Federation, and posts in connection with the affairs of the Federation, by the Governor-General or such person as he may direct;

(*b*) in the case of services of a Province, and posts in connection with the affairs of a Province, by the Governor or such person as he may direct.

(2) Except as expressly provided by this Act, the conditions of service of persons serving His Majesty in a civil capacity in India shall, subject to the provisions of this section, be such as may be prescribed—

(*a*) in the case of persons serving in connection with the affairs of the Federation, by rules made by the Governor-General or by some person or persons authorised by the Governor-General to make rules for the purpose;

(*b*) in the case of persons serving in connection with the affairs of a Province, by rules made by the Governor of the Province or by some person or persons authorised by the Governor to make rules for the purpose:

Provided that it shall not be necessary to make rules regulating the conditions of service of persons employed temporarily on the terms that their employment may be terminated on one month's notice or less, and nothing in this subsection shall be construed as requiring the rules regulating the conditions of service of any class of persons to extend to any matter which appears to the rule-making authority to be a matter not suitable for regulation by rule in the case of that class.

PART X. —*cont.*

(3) The said rules shall be so framed as to secure—

(*a*) that, in the case of a person who before the commencement of Part III of this Act was serving His Majesty in a civil capacity in India, no order which alters or interprets to his disadvantage any rule by which his conditions of service are regulated shall be made except by an authority which would have been competent to make such an order on the eighth day of March, nineteen hundred and twenty-six, or by some person empowered by the Secretary of State to give directions in that respect;

(*b*) that every such person as aforesaid shall have the same rights of appeal to the same authorities from any order which—

(i) punishes or formally censures him; or

(ii) alters or interprets to his disadvantage any rule by which his conditions of service are regulated; or

(iii) terminates his appointment otherwise than upon his reaching the age fixed for superannuation,

as he would have had immediately before the commencement of Part III of this Act, or such similar rights of appeal to such corresponding authorities as may be directed by the Secretary of State or by some person empowered by the Secretary of State to give directions in that respect;

(*c*) that every other person serving His Majesty in a civil capacity in India shall have at least one appeal against any such order as aforesaid, not being an order of the Governor-General or a Governor.

(4) Notwithstanding anything in this section, but subject to any other provision of this Act, Acts of the appropriate Legislature in India may regulate the conditions of service of persons serving His Majesty in a civil capacity in India, and any rules made under this section shall have effect subject to the provisions of any such Act:

Provided that nothing in any such Act shall have effect so as to deprive any person of any rights required to be given to him by the provisions of the last preceding subsection.

(5) No rules made under this section and no Act of any Legislature in India shall be construed to limit or abridge the power of the Governor-General or a Governor to deal with the case of any person serving His Majesty in a civil capacity in India in such manner as may appear to him to be just and equitable :

Provided that, where any such rule or Act is applicable to the case of any person, the case shall not be dealt with in any manner less favourable to him than that provided by that rule or Act.

Application of preceding section to railway, customs, postal and telegraph services, and officials of courts.

242.—(1) In its application to appointments to, and to persons serving in, the railway services of the Federation, the last preceding section shall have effect as if for any reference to the Governor-General in paragraph (*a*) of subsection (1), in paragraph (*a*) of subsection (2) and in subsection (5) there were substituted a reference to the Federal Railway Authority.

(2) In framing rules for the regulation of recruitment to superior railway posts, the Federal Railway Authority shall consult the Federal Public Service Commission, and in recruitment to such posts and in recruitment generally for railway purposes shall have due regard to the past association of the Anglo-Indian community with railway services in India, and particularly to the specific class, character and numerical percentages of the posts hitherto held by members of that community and the remuneration attaching to such posts, and shall give effect to any instructions which may be issued by the Governor-General for the purpose of securing, so far as practicable to each community in India a fair representation in the railway services of the Federation, but, save as aforesaid, it shall not be obligatory on the Authority to consult with, or otherwise avail themselves of the services of, the Federal Public Service Commission.

(3) In framing the rules for the regulation of recruitment to posts in the customs, postal and telegraph services, the Governor-General or person authorised by him in that behalf shall have due regard to the past association of the Anglo-Indian community with the said services, and particularly to the specific class, character and

PART X. —*cont.*

numerical percentages of the posts previously held in the said services by members of the said community and to the remuneration attaching to such posts.

(4) In its application to appointments to, and to persons serving on, the staff attached to the Federal Court or the staff attached to a High Court, the said section shall have effect as if, in the case of the Federal Court, for any reference to the Governor-General in paragraph (*a*) of subsection (1), in paragraph (*a*) of subsection (2) and in subsection (5) there were substituted a reference to the Chief Justice of India and as if, in the case of a High Court, for any reference to the Governor in paragraph (*b*) of subsection (1), in paragraph (*b*) of subsection (2) and in subsection (5) there were substituted a reference to the chief justice of the court:

Provided that—

(*a*) in the case of the Federal Court, the Governor-General and, in the case of a High Court, the Governor may in his discretion require that in such cases as he may in his discretion direct no person not already attached to the court shall be appointed to any office connected with the court save after consultation with the Federal Public Service Commission, or the Provincial Public Service Commission, as the case may be;

(*b*) rules made under the said subsection (2) by a chief justice shall, so far as they relate to salaries, allowances, leave or pensions, require the approval of the Governor-General or, as the case may be, the Governor.

Special provisions as to police.

243. Notwithstanding anything in the foregoing provisions of this chapter, the conditions of service of the subordinate ranks of the various police forces in India shall be such as may be determined by or under the Acts relating to those forces respectively.

Recruitment by Secretary of State and provisions as to certain posts.

Services recruited by Secretary of State.

244.—(1) As from the commencement of Part III of this Act appointments to the civil services known as the Indian Civil Service, the Indian Medical Service

(Civil), and the Indian Police Service (which last-mentioned service shall thereafter be known as "the Indian Police") shall, until Parliament otherwise determines, be made by the Secretary of State.

(2) Until Parliament otherwise determines, the Secretary of State may also make appointments to any service or services which at any time after the said date he may deem it necessary to establish for the purpose of securing the recruitment of suitable persons to fill civil posts in connection with the discharge of any functions of the Governor-General which the Governor-General is by or under this Act required to exercise in his discretion.

(3) The respective strengths of the said services shall be such as the Secretary of State may from time to time prescribe, and the Secretary of State shall in each year cause to be laid before each House of Parliament a statement of the appointments made thereto and the vacancies therein.

(4) It shall be the duty of the Governor-General to keep the Secretary of State informed as to the operation of this section, and he may after the expiration of such period as he thinks fit make recommendations for the modification thereof.

In discharging his functions under this subsection, the Governor-General shall act in his discretion.

Special provision as to irrigation.

245. Until Parliament otherwise determines, the Secretary of State may for the purpose of securing efficiency in irrigation in any Province, appoint persons to any civil service of, or civil post under, the Crown in India concerned with irrigation.

Reserved posts.

246.—(1) The Secretary of State shall make rules specifying the number and character of the civil posts under the Crown (other than posts in connection with any functions of the Governor-General which the Governor-General is by or under this Act required to exercise in his discretion), which, subject to the provisions of this subsection, are to be filled by persons appointed by the Secretary of State to a civil service of, or a civil post under, the Crown in India, and except under such conditions as may be prescribed in the rules no such post

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shall, without the previous sanction of the Secretary of State—

(*a*) be kept vacant for more than three months; or

(*b*) be filled otherwise than by the appointment of such a person as aforesaid; or

(*c*) be held jointly with any other such post.

(2) Appointments and postings to the said posts (hereinafter in this Part of this Act referred to as "reserved posts") shall—

(*a*) in the case of posts in connection with the affairs of the Federation, be made by the Governor-General, exercising his individual judgment;

(*b*) in the case of posts in connection with the affairs of a Province, be made by the Governor of the Province, exercising his individual judgment.

(3) All rules made under this section shall, so soon as may be after they are made, be laid before each House of Parliament and, if either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such rule has been laid before it resolves that the rule shall be annulled, the rule shall thenceforth be void but without prejudice to the validity of anything previously done thereunder or to the making of a new rule.

Conditions of service, pensions, &c. of persons recruited by Secretary of State.

247.—(1) The conditions of service of all persons appointed to a civil service or a civil post by the Secretary of State shall—

(*a*) as respects pay, leave and pensions, and general rights in regard to medical attendance, be such as may be prescribed by rules to be made by the Secretary of State;

(*b*) as respects other matters with respect to which express provision is not made by this chapter, be such as may be prescribed by rules to be made by the Secretary of State in so far as he thinks fit to make such rules, and, in so far and so long as provision is not made by such rules, by rules to be made, as respects persons serving in connection with the affairs of the Federation, by the Governor-General or some person or persons authorised by the

Governor-General to make rules for the purpose and, as respects persons serving in connection with the affairs of a Province, by the Governor of the Province or some person or persons authorised by the Governor to make rules for the purpose:

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Provided that no rule made under this subsection shall have effect so as to give to any person appointed to a civil service or civil post by the Secretary of State less favourable terms as respects remuneration or pension than were given to him by the rules in force on the date on which he was first appointed to his service or was appointed to his post.

(2) Any promotion of any person appointed to a civil service or a civil post by the Secretary of State or any order relating to leave of not less than three months of any such person, or any order suspending any such person from office shall, if he is serving in connection with the affairs of the Federation, be made by the Governor-General exercising his individual judgment and, if he is serving in connection with the affairs of a Province, be made by the Governor exercising his individual judgment.

(3) If any such person as aforesaid is suspended from office, his remuneration shall not during the period of his suspension be reduced except to such extent, if any, as may be directed by the Governor-General exercising his individual judgment or, as the case may be, by the Governor exercising his individual judgment.

(4) The salary and allowances of any such person as aforesaid shall, if he is serving in connection with the affairs of the Federation, be charged on the revenues of the Federation and, if he is serving in connection with the affairs of a Province, be charged on the revenues of the Province:

Provided that, if any such person is serving in connection with the railways in India, so much only of his salary and allowances shall be charged on the revenues of the Federation as is not paid out of the Railway Fund.

(5) Pensions payable to or in respect of any such person as aforesaid, and government contributions in respect of any such person to any pension fund or provident fund, shall be charged on the revenues of the Federation.

(6) No award of a pension less than the maximum pension allowable under rules made under this section shall be made, except in each case with the consent of the Secretary of State.

(7) No rules made under this section shall be construed to limit or abridge the power of the Secretary of State to deal with the case of any person serving His Majesty in a civil capacity in India in such manner as may appear to him to be just and equitable, and no rules made under this section by any person other than the Secretary of State shall be construed to limit or abridge the power of the Governor-General or, as the case may be, the Governor of a Province to deal with the case of any such person in such manner as may appear to him to be just and equitable :

Provided that, where any rule made under this section is applicable to the case of any person, the case shall not be dealt with in any manner less favourable to him than that provided by the rule.

Rights in respect of complaints, appeals, &c.

248.—(1) If any person appointed to a civil service or a civil post by the Secretary of State is aggrieved by an order affecting his conditions of service and on due application to the person by whom the order was made does not receive the redress to which he considers himself entitled, he may, without prejudice to any other mode of obtaining redress, complain, if he is serving in connection with the affairs of the Federation, to the Governor-General and, if he is serving in connection with the affairs of a Province, to the Governor of the Province. and the Governor-General or Governor, as the case may be, shall examine into the complaint and cause such action to be taken thereon as appears to him exercising his individual judgment to be just and equitable.

(2) No order which punishes or formally censures any such person as aforesaid, or affects adversely his emoluments or rights in respect of pension, or decides adversely to him the subject-matter of any memorial, shall be made except, if he is serving in connection with the affairs of the Federation, by the Governor-General, exercising his individual judgment, or, if he is serving in connection with the affairs of a Province, by the Governor of that Province, exercising his individual judgment.

(3) Any person appointed to a civil service or a civil post by the Secretary of State may appeal to the Secretary

of State against any order made by any authority in India which punishes or formally censures him, or alters or interprets to his disadvantage any rule by which his conditions of service are regulated.

(4) Any sums ordered to be paid out of the revenues of the Federation or a Province to or in respect of any such person as aforesaid on an appeal made under this section shall be charged on those revenues.

Compensation.

249.—(1) If by reason of anything done under this Act the conditions of service of any person appointed to a civil service or a civil post by the Secretary of State have been adversely affected, or if for any other reason it appears to the Secretary of State that compensation ought to be granted to, or in respect of, any such person, he or his representatives shall be entitled to receive from the revenues of the Federation, or if the Secretary of State so directs, from the revenues of a Province, such compensation as the Secretary of State may consider just and equitable.

(2) Any sum payable under this section from the revenues of the Federation or the revenues of a Province shall be charged on the revenues of the Federation or, as the case may be, that Province.

(3) For the avoidance of doubt it is hereby declared that the foregoing provisions of this section in no way prohibit expenditure by the Governor-General, or, as the case may be, the Governor, from the revenues of the Federation or a Province by way of compensation to persons who are serving or have served His Majesty in India in cases to which those provisions do not apply.

Provisions as to persons appointed by Secretary of State in Council, persons holding reserved posts and commissioned officers in civil employment.

Application of four last preceding sections to persons appointed by Secretary of

250.—(1) Subject to the provisions of this section, the provisions of the four last preceding sections and any rules made thereunder shall apply in relation to any person who was appointed before the commencement of Part III of this Act by the Secretary of State in Council to a civil service of, or a civil post under, the Crown in India as they apply in relation to persons

Part X. —*cont.*

appointed to a civil service or civil post by the Secretary of State.

State in Council, and certain other persons.

(2) Subject to the provisions of this section, the said sections and rules shall, in such cases and with such exceptions and modifications as the Secretary of State may decide, also apply in relation to any person who—

(*a*) not being a person appointed as aforesaid by the Secretary of State or the Secretary of State in Council, holds or has held a reserved post; or

(*b*) holds or has held any civil post under the Crown in India and is, or was when he was first appointed to such a post, an officer in His Majesty's forces.

(3) In relation to any person who was appointed before the commencement of Part III of this Act to a civil service of, or to a civil post under, the Crown in India, the provision contained in the sections aforesaid that no rule as to conditions of service shall have effect so as to give to any person less favourable terms as regards remuneration or pension than were given to him by the rules in force on the date on which he was first appointed to his service or was appointed to his post, shall be construed as a provision that no such rule shall have effect so as to give to any person less favourable terms as respects the said matters than were given to him by the rules in force immediately before the coming into operation of the rule.

(4) In its application, by virtue of this section, to persons serving in the railway services of the Federation, the second of the four last preceding sections (which relates to the conditions of service, pensions, &c., of persons recruited by the Secretary of State) shall have effect as if for any reference to the Governor-General in paragraph (*b*) of subsection (1) thereof and in subsections (2), (3) and (7) thereof there were substituted a reference to the Federal Railway Authority.

(5) Any liability of the Federation or of any Province to or in respect of any person appointed before the commencement of Part III of this Act by the Secretary of State in Council to a civil service of, or a civil post under, the Crown in India, being a liability to pay a pension granted to or in respect of any such person or any other liability of such a nature as to have been

enforceable in legal proceedings against the Secretary of State in Council if this Act had not been passed, shall, notwithstanding anything in this Act, be deemed, for the purposes of the provisions of Part VII of this Act relating to legal proceedings, to be a liability arising under a statute passed before the commencement of Part III of this Act.

Special provisions as to staffs of the High Commissioner for India and the Auditor of Indian Home Accounts.

Staff of High Commissioner and Auditor of Indian Home Accounts.

251. The provisions of this Part of this Act shall apply in relation to appointments to, and to persons serving on, the staffs of the High Commissioner for India and the Auditor of Indian Home Accounts as if the service of members of those staffs were service rendered in India :

Provided that—

(*a*) appointments to the staff of the Auditor of Indian Home Accounts shall be made by him subject, as respects numbers, salaries and qualifications, to the approval of the Governor-General in his discretion ; and

(*b*) in relation to that staff the functions of the Governor-General under this Part of this Act shall be exercised by him in his discretion.

Conditions of service of existing staff of High Commissioner and Auditor of Indian Home Accounts.

252.—(1) All persons who immediately before the commencement of Part III of this Act were members of the staff of the High Commissioner for India, or members of the staff of the Auditor of the accounts of the Secretary of State in Council, shall continue to be, or shall become, members of the staff of the High Commissioner for India or, as the case may be, of the Auditor of Indian Home Accounts.

(2) All such persons as aforesaid shall hold their offices or posts subject to like conditions of service as to remuneration, pensions or otherwise, as theretofore, or not less favourable conditions, and shall be entitled to reckon for purposes of pension any service which they would have been entitled to reckon if this Act had not been passed.

(3) The salaries, allowances and pensions payable to, or in respect of, such of the persons aforesaid as were members of the staff of the Auditor of the accounts of the Secretary of State in Council shall be charged on the

PART X. —*cont.*

revenues of the Federation, and the salaries, allowances and pensions payable to, or in respect of, other such persons as aforesaid shall be so charged in so far as those salaries, allowances and pensions would, but for the passing of this Act, have been payable without being submitted to the vote of the Legislative Assembly of the Indian Legislature.

Special Provisions as to Judicial Officers.

Judges of the Federal Court and High Courts.

253.—(1) The provisions of this chapter shall not apply to the judges of the Federal Court or of any High Court:

Provided that—

(*a*) for the purposes of this section a member of any of the civil services of the Crown in India who is acting temporarily as a judge of a High Court shall not be deemed to be a judge of that court:

(*b*) nothing in this section shall be construed as preventing the Orders in Council relating to the salaries, leave and pensions of judges of the Federal Court, or of any High Court, from applying to such of those judges as were, before they were appointed judges, members of a civil service of the Crown in India, such of the rules relating to that service as may appear to His Majesty to be properly applicable in relation to them:

(*c*) nothing in this section shall be construed as excluding the office of judge of the Federal Court or of a High Court from the operation of the provisions of this chapter with respect to the eligibility for civil office of persons who are not British subjects.

(2) Any pension which under the rules in force immediately before the commencement of Part III of this Act was payable to or in respect of any person who, having been a judge of a High Court within the meaning of this Act or of the High Court at Rangoon, retired before the commencement of the said Part III shall, notwithstanding anything in this Act or the Government of Burma Act, 1935, continue to be payable in accordance with those rules and shall be charged on the revenues of the Federation.

26 Geo. 5. c. 3.

(3) Any liability of the Federation or of any Province to or in respect of any person who is, at the commencement of Part III of this Act, a judge of a High Court within the meaning of this Act, or to or in respect of any such person as is mentioned in subsection (2) of this section, being a liability to pay a pension granted to or in respect of any such person or any other liability of such a nature as to have been enforceable in legal proceedings against the Secretary of State in Council if this Act had not been passed, shall, notwithstanding anything in this Act or the Government of Burma Act, 1935, be deemed, for the purposes of the provisions of Part VII of this Act relating to legal proceedings, to be a liability arising under a statute passed before the commencement of Part III of this Act.

District judges, &c.

254.—(1) Appointments of persons to be, and the posting and promotion of, district judges in any Province shall be made by the Governor of the Province, exercising his individual judgment, and the High Court shall be consulted before a recommendation as to the making of any such appointment is submitted to the Governor.

(2) A person not already in the service of His Majesty shall only be eligible to be appointed a district judge if he has been for not less than five years a barrister, a member of the Faculty of Advocates in Scotland, or a pleader and is recommended by the High Court for appointment.

(3) In this and the next succeeding section the expression " district judge " includes additional district judge, joint district judge, assistant district judge, chief judge of a small cause court, chief presidency magistrate, sessions judge, additional sessions judge, and assistant sessions judge.

Subordinate civil judicial service.

255.—(1) The Governor of each Province shall, after consultation with the Provincial Public Service Commission and with the High Court, make rules defining the standard of qualifications to be attained by persons desirous of entering the subordinate civil judicial service of a Province.

In this section, the expression " subordinate civil judicial service " means a service consisting exclusively of persons intended to fill civil judicial posts inferior to the post of district judge.

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(2) The Provincial Public Service Commission for each Province, after holding such examinations, if any, as the Governor may think necessary, shall from time to time out of the candidates for appointment to the subordinate civil judicial service of the Province make a list or lists of the persons whom they consider fit for appointment to that service, and appointments to that service shall be made by the Governor from the persons included in the list or lists in accordance with such regulations as may from time to time be made by him as to the number of persons in the said service who are to belong to the different communities in the Province.

(3) The posting and promotion of, and the grant of leave to, persons belonging to the subordinate civil judicial service of a Province and holding any post inferior to the post of district judge, shall be in the hands of the High Court, but nothing in this section shall be construed as taking away from any such person the right of appeal required to be given to him by the foregoing provisions of this chapter, or as authorising the High Court to deal with any such person otherwise than in accordance with the conditions of his service prescribed thereunder.

Subordinate criminal magistracy.

256. No recommendation shall be made for the grant of magisterial powers or of enhanced magisterial powers to, or the withdrawal of any magisterial powers from, any person save after consultation with the district magistrate of the district in which he is working, or with the Chief Presidency magistrate, as the case may be.

Special Provisions as to Political Department.

Officers of political department.

257.—(1) Subject to the provisions of this section, the provisions of this Part of this Act shall not apply in relation to persons wholly or mainly employed in connection with the exercise of the functions of the Crown in its relations with Indian States.

(2) Notwithstanding anything in the preceding subsection, all persons so employed immediately before the commencement of Part III of this Act shall hold their offices or posts subject to the like conditions of service as to remuneration, pensions or otherwise as theretofore or not less favourable conditions, and in relation to those persons anything which might, but for the passing of this Act, have been done by or in

relation to the Secretary of State in Council shall be done by or in relation to the Secretary of State, acting with the concurrence of his advisers.

(3) Nothing in this section shall be construed as affecting the application to such persons of the rule of law that, except as otherwise provided by statute, every person employed under the Crown holds office during His Majesty's pleasure.

Provisions for the protection of certain existing officers.

Provision for protection of existing officers of certain Services.

258.—(1) No civil post which, immediately before the commencement of Part III of this Act, was a post in, or a post required to be held by some member of, a Central Service Class I, a Central Service Class II, a Railway Service Class I, a Railway Service Class II, or a Provincial Service, shall, if the abolition thereof would adversely affect any person who immediately before the said date was a member of any such service, be abolished, except—

(*a*) in the case of a post in connection with the affairs of the Federation, by the Governor-General exercising his individual judgment;

(*b*) in the case of a post in connection with the affairs of a Province, by the Governor of the Province exercising his individual judgment.

(2) No rule or order affecting adversely the pay, allowances or pensions payable to, or in respect of, a person appointed before the coming into operation of this Part of this Act to a Central Service Class I, to a Railway Service Class I, or to a Provincial service, and no order upon a memorial submitted by any such person, shall be made except—

(*a*) in the case of a person who is serving or has served in connection with the affairs of the Federation, by the Governor-General exercising his individual judgment;

(*b*) in the case of a person who is serving or has served in connection with the affairs of a Province, by the Governor of the Province exercising his individual judgment.

(3) In relation to any person mentioned in this section who was appointed to a civil service of, or civil post under, the Crown in India by the Secretary of State

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or the Secretary of State in Council, or is an officer in His Majesty's forces, the foregoing provisions of this section shall have effect as if for the reference to the Governor-General or the Governor, as the case may be, there was substituted a reference to the Secretary of State.

Provisions as to certain persons serving in or before 1924.

259.—(1) The salary and allowances of any person who was appointed before the first day of April, nineteen hundred and twenty-four, otherwise than by the Secretary of State in Council, to a service or a post which at any time between that date and the coming into operation of this Part of this Act was classified as a superior service or post shall be charged, if he is serving in connection with the affairs of the Federation, on the revenues of the Federation and, if he is serving in connection with the affairs of a Province, on the revenues of that Province:

Provided that, if any such person as aforesaid is serving in connection with the railways in India, so much only of his salary and allowances shall be charged on the revenues of the Federation as is not paid out of the railway fund.

(2) Any pension payable to or in respect of a person appointed as aforesaid, and any government contributions to any provident fund or pensions fund in respect of any such person, shall be charged on the revenues of the Federation.

(3) The provisions of the last preceding subsection shall also apply in relation to persons who retired before the first day of April, nineteen hundred and twenty-four, and before they retired belonged to services or held posts which were as from the said date classified as superior services or posts, or which are declared by the Secretary of State to have been services or posts equivalent in character to services or posts so classified.

General provisions as to persons retiring before commencement of Part III.

260.—(1) Except as otherwise expressly provided in this chapter, any pension payable to or in respect of any person who, having been appointed to a civil service of, or a civil post under, the Crown in India, retired from the service of His Majesty before the commencement of Part III of this Act shall, if it would have been payable by the Local Government in any Province if this Act had not passed, be paid out of the revenues of the corresponding Province and in any other case shall be paid out of the revenues of the Federation.

(2) Any pension payable to or in respect of any person who, having served in Burma or Aden, retired from an All-India Service, a Central Service Class I, a Central Service Class II, a Railway Service Class I, or a Railway Service Class II, before the commencement of Part III of this Act shall be paid out of the revenues of the Federation, but save as aforesaid nothing in this section applies to any person who retired after service in Burma or Aden.

Miscellaneous.

Secretary of State to act with concurrence of his advisers.

261. The powers conferred by this and the subsequent chapters of this Part of this Act on the Secretary of State shall not be exercisable by him except with the concurrence of his advisers.

Eligibility for office of persons who are not British subjects.

262.—(1) The Ruler or a subject of a Federated State shall be eligible to hold any civil office under the Crown in India in connection with the affairs of the Federation, and the Governor-General may declare that the Ruler or any subject of a specified Indian State which is not a Federated State, or any native of a specified tribal area or territory adjacent to India, shall be eligible to hold any such office, being an office specified in the declaration.

(2) The Governor of a Province may declare that the Ruler or any subject of a specified Indian State, or any native of a specified tribal area or territory adjacent to India, shall be eligible to hold any civil office in connection with the affairs of the Province, being an office specified in the declaration.

(3) The Secretary of State may declare that any named subject of an Indian State, or any named native of a tribal area or territory adjacent to India, shall be eligible for appointment by him to any civil service under the Crown in India to which he makes appointments, and any person who, having been so declared eligible, is appointed to such a service, shall be eligible to hold any civil office under the Crown in India.

(4) Subject as aforesaid and to any other express provisions of this Act, no person who is not a British subject shall be eligible to hold any office under the Crown in India:

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Provided that the Governor-General or, in relation to a Province, the Governor may authorise the temporary employment for any purpose of a person who is not a British subject.

(5) In the discharge of his functions under this section the Governor-General or the Governor of a Province shall exercise his individual judgment.

Joint services and posts.

263. If an agreement is made between the Federation and one or more Provinces, or between two or more Provinces, for the maintenance or creation of a service common to the Federation and one or more Provinces, or common to two or more Provinces, or for the maintenance or creation of a post the functions whereof are not restricted to the affairs of the Federation or one Province, the agreement may make provision that the Governor-General or any Governor, or any Public Service Commission, shall do in relation to that service or post anything which would under the provisions of this chapter be done by the Governor or the Provincial Public Service Commission if the service or post was a service or post in connection with the affairs of one Province only.

CHAPTER III.

Public Service Commissions.

Public Service Commissions.

264.—(1) Subject to the provisions of this section, there shall be a Public Service Commission for the Federation and a Public Service Commission for each Province.

(2) Two or more Provinces may agree—

(*a*) that there shall be one Public Service Commission for that group of Provinces; or

(*b*) that the Public Service Commission for one of the Provinces shall serve the needs of all the Provinces,

and any such agreement may contain such incidental and consequential provisions as may appear necessary or desirable for giving effect to the purposes of the agreement and shall, in the case of an agreement that there shall be one Commission for a group of Provinces, specify by what Governor or Governors the functions which are under this Part of this Act to be discharged by the Governor of a Province are to be discharged.

(3) The Public Service Commission for the Federation if requested so to do by the Governor of a Province may, with the approval of the Governor-General, agree to serve all or any of the needs of the Province.

(4) References in this Act to the Federal Public Service Commission or a Provincial Public Service Commission shall, unless the context otherwise requires, be construed as references to the Commission serving the needs of the Federation or, as the case may be, the Province as respects the particular matter in question.

Composition and staff of Commissions.

265.—(1) The chairman and other members of a Public Service Commission shall be appointed, in the case of the Federal Commission, by the Governor-General in his discretion, and in the case of a Provincial Commission, by the Governor of the Province in his discretion:

Provided that at least one-half of the members of every Public Service Commission shall be persons who at the dates of their respective appointments have held office for at least ten years under the Crown in India.

(2) In the case of the Federal Commission, the Governor-General in his discretion and, in the case of a Provincial Commission, the Governor of the Province in his discretion, may by regulations—

(*a*) determine the number of members of the commission, their tenure of office and their conditions of service; and

(*b*) make provision with respect to the numbers of staff of the commission and their conditions of service.

(3) On ceasing to hold office—

(*a*) the chairman of the Federal Commission shall be ineligible for further employment under the Crown in India;

(*b*) the chairman of a Provincial Commission shall be eligible for appointment as the chairman or a member of the Federal Commission, or as the chairman of another Provincial Commission, but not for any other employment under the Crown in India;

(*c*) no other member of the Federal or of any Provincial Commission shall be eligible for any other appointment under the Crown in

India without the approval, in the case of an appointment in connection with the affairs of a Province, of the Governor of the Province in his discretion and, in the case of any other appointment, of the Governor-General in his discretion.

Functions of Public Service Commissions.

266.—(1) It shall be the duty of the Federal and the Provincial Public Service Commissions to conduct examinations for appointments to the services of the Federation and the services of the Province respectively.

(2) It shall also be the duty of the Federal Public Service Commission, if requested by any two or more Provinces so to do, to assist those Provinces in framing and operating schemes of joint recruitment for their forest services, and any other services for which candidates possessing special qualifications are required.

(3) The Secretary of State as respects services and posts to which appointments are made by him, the Governor-General in his discretion as respects other services and posts in connection with the affairs of the Federation, and the Governor in his discretion as respects other services and posts in connection with the affairs of a Province, may make regulations specifying the matters on which either generally, or in any particular class of case or in any particular circumstances, it shall not be necessary for a Public Service Commission to be consulted but, subject to regulations so made and to the provisions of the next succeeding subsection, the Federal Commission or, as the case may be, the Provincial Commission shall be consulted—

(*a*) on all matters relating to methods of recruitment to civil services and for civil posts;

(*b*) on the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another and on the suitability of candidates for such appointments, promotions or transfers;

(*c*) on all disciplinary matters affecting a person serving His Majesty in a civil capacity in India, including memorials or petitions relating to such matters;

(*d*) on any claim by or in respect of a person who is serving or has served His Majesty in a civil capacity in India that any costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty should be paid out of the revenues of the Federation or, as the case may be, the Province;

(*e*) on any claim for the award of a pension in respect of injuries sustained by a person while serving His Majesty in a civil capacity in India, and any question as to the amount of any such award,

and it shall be the duty of a Public Service Commission to advise on any matter so referred to them and on any other matter which the Governor-General in his discretion, or, as the case may be, the Governor in his discretion, may refer to them.

(4) Nothing in this section shall require a Public Service Commission to be consulted as respects the manner in which appointments and posts are to be allocated as between the various communities in the Federation or a Province or, in the case of the subordinate ranks of the various police forces in India, as respects any of the matters mentioned in paragraphs (*a*), (*b*), and (*c*) of subsection (3) of this section.

Power to extend functions of Public Service Commissions.

267. Subject to the provisions of this section, an Act of the Federal Legislature or the Provincial Legislature may provide for the exercise of additional functions by the Federal Public Service Commission or, as the case may be, by the Provincial Public Service Commission:

Provided that—

(*a*) no Bill or amendment for the purposes aforesaid shall be introduced or moved without the previous sanction of the Governor-General in his discretion, or, as the case may be, of the Governor in his discretion; and

(*b*) it shall be a term of every such Act that the functions conferred by it shall not be exercisable—

(i) in relation to any person appointed to a service or a post by the Secretary of

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State or the Secretary of State in Council, any officer in His Majesty's Forces, or any holder of a reserved post, except with the consent of the Secretary of State; or

(ii) where the Act is a provincial Act, in relation to any person who is not a member of one of the services of the Province, except with the consent of the Governor-General.

Expenses of Public Service Commissions.

268. The expenses of the Federal or a Provincial Public Service Commission, including any salaries, allowances and pensions payable to or in respect of the members or staff of the Commission, shall be charged on the revenues of the Federation or, as the case may be, the Province:

Provided that nothing in this section shall charge on the revenues of a Province any pension which is by virtue of the provisions of chapter II of this Part of this Act charged on the revenues of the Federation.

CHAPTER IV.

CHAPLAINS.

Provisions as to chaplains.

269.—(1) There may, as heretofore, be an establishment of chaplains to minister in India to be appointed by the Secretary of State and the provisions of chapter II of this Part of this Act shall, with any necessary modifications, apply in relation to that establishment and to persons appointed as chaplains by the Secretary of State or by the Secretary of State in Council, as they apply in relation to the civil services to which appointments are to be made by the Secretary of State and to persons appointed to a civil service under the Crown in India by the Secretary of State or by the Secretary of State in Council, and for the purposes of the provisions of chapter II relating to persons who retired before the commencement of Part III of this Act the said establishment shall be deemed to be an all-India service.

(2) So long as an establishment of chaplains is maintained in the Province of Bengal, two members of that establishment in the Province must always be ministers of the Church of Scotland and shall be entitled to have out of the revenues of the Federation such salary as is from time to time allotted to the military chaplains in that Province.

This subsection applies to the Province of Madras and to the Province of Bombay as it applies to the Province of Bengal.

(3) The ministers of the Church of Scotland so appointed chaplains must be ordained and inducted by the Presbytery of Edinburgh according to the forms and solemnities used in the Church of Scotland, and shall be subject to the spiritual and ecclesiastical jurisdiction in all things of the Presbytery of Edinburgh, whose judgments shall be subject to dissent, protest and appeal to the Provincial Synod of Lothian and Tweeddale and to the General Assembly of the Church of Scotland.

CHAPTER V.

General.

Indemnity for past acts.

270.—(1) No proceedings civil or criminal shall be instituted against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of the Crown in India or Burma before the relevant date, except with the consent, in the case of a person who was employed in connection with the affairs of the Government of India or the affairs of Burma, of the Governor-General in his discretion, and in the case of a person employed in connection with the affairs of a Province, of the Governor of that Province in his discretion.

(2) Any civil or criminal proceedings instituted, whether before or after the coming into operation of this Part of this Act, against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of the Crown in India or Burma before the relevant date shall be dismissed unless the court is satisfied that the acts complained of were not done in good faith, and, where any such proceedings are dismissed, the costs incurred by the defendant shall, in so far as they are not recoverable from the persons instituting the proceedings, be charged, in the case of persons employed in connection with the functions of the Governor-General in Council or the affairs of Burma, on the revenues of the Federation, and in the case of persons employed in connection with the affairs of a Province, on the revenues of that Province.

PART X. —*cont.*

(3) For the purposes of this section—

the expression "the relevant date" means, in relation to acts done by persons employed about the affairs of a Province or about the affairs of Burma, the commencement of Part III of this Act and, in relation to acts done by persons employed about the affairs of the Federation, the date of the establishment of the Federation;

references to persons employed in connection with the functions of the Governor-General in Council include references to persons employed in connection with the affairs of any Chief Commissioner's Province;

a person shall be deemed to have been employed about the affairs of a Province if he was employed about the affairs of the Province as constituted at the date when the act complained of occurred or is alleged to have occurred.

Protection of public servants against prosecution and suits.

271.—(1) No Bill or amendment to abolish or restrict the protection afforded to certain servants of the Crown in India by section one hundred and ninety-seven of the Indian Code of Criminal Procedure, or by sections eighty to eighty-two of the Indian Code of Civil Procedure, shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion, or in a Chamber of a Provincial Legislature without the previous sanction of the Governor in his discretion.

(2) The powers conferred upon a Local Government by the said section one hundred and ninety-seven with respect to the sanctioning of prosecutions and the determination of the court before which, the person by whom and the manner in which, a public servant is to be tried, shall be exercisable only—

(*a*) in the case of a person employed in connection with the affairs of the Federation, by the Governor-General exercising his individual judgment; and

(*b*) in the case of a person employed in connection with the affairs of a Province, by the Governor of that Province exercising his individual judgment:

Provided that nothing in this subsection shall be construed as restricting the power of the Federal or a Provincial Legislature to amend the said section by a Bill or amendment introduced or moved with such previous sanction as is mentioned in subsection (1) of this section.

(3) Where a civil suit is instituted against a public officer, within the meaning of that expression as used in the Indian Code of Civil Procedure, in respect of any act purporting to be done by him in his official capacity, the whole or any part of the costs incurred by him and of any damages or costs ordered to be paid by him shall, if the Governor-General exercising his individual judgment so directs in the case of a person employed in connection with the affairs of the Federation, or if the Governor exercising his individual judgment so directs in the case of a person employed in connection with the affairs of a Province, be defrayed out of and charged on the revenues of the Federation or of the Province, as the case may be.

Provisions as to payment of certain pensions and exemption of those pensions from taxation in India.

272. Any pension payable to or in respect of a person who—

(*a*) before the commencement of Part III of this Act had served His Majesty in India, Burma or Aden, or elsewhere under the Governor-General in Council; or

(*b*) after the commencement of Part III of this Act—

(i) serves in India as an officer of His Majesty's forces; or

(ii) is appointed to a civil service of, or to an office or post under, the Crown in India by His Majesty or the Secretary of State; or

(iii) holds a reserved post,

shall, if the person to whom the pension is payable is residing permanently outside India, be paid on behalf of the Federation or the Province, as the case may be, by, or in accordance with arrangements made with, the Secretary of State, and be exempt from all taxation imposed by or under any existing Indian law, or any law of the Federal or of a Provincial Legislature.

Part X. —*cont.*

Provisions as to family pension funds.

273.—(1) His Majesty may by Order in Council provide for the vesting in Commissioners to be appointed under the Order of—

(*a*) the Indian Military Widows and Orphans Fund;

(*b*) the Superior Services (India) Family Pension Fund;

(*c*) a fund to be formed out of the moneys contributed and to be contributed under the Indian Military Service Family Pension Regulations for the purpose of paying pensions payable under those regulations;

(*d*) a fund to be formed out of the moneys contributed and to be contributed under the Indian Civil Service Family Pension Rules for the purpose of paying pensions payable under those rules,

for the investment of the said funds by the Commissioners, in such manner as, subject to the provisions of the Order, they think fit, for the administration of the said funds in other respects by the Secretary of State, for the remuneration of the Commissioners out of the said funds, and for any other matters incidental to or consequential on the purposes of the Order; and if any such Order is made, then, as from such date as may be specified in the Order, any pensions payable under the said regulations and rules, shall, subject to the provisions of subsection (3) of this section be payable out of the appropriate fund in the hands of the Commissioners, and not otherwise.

Before recommending His Majesty to make any Order in Council under this subsection, the Secretary of State shall consider any representations made to him by any of the existing subscribers and beneficiaries or by any persons appearing to him to represent any body of those subscribers or beneficiaries.

(2) Any such Order as aforesaid shall provide that the balance in the hands of the Governor-General on the thirty-first day of March next following the passing of this Act in respect of the Indian Military Widows and Orphans Fund and the Superior Services (India) Family Pension Fund, and in respect of the moneys theretofore contributed under the Indian Military Service Family Pension Regulations and the Indian Civil Service Family Pension Rules shall, subject to the provisions of

subsection (3) of this section, be transferred to the Commissioners before the expiration of three years from the said date either all at one time or by instalments, together with such interest as may be prescribed by or under the Order:

Provided that His Majesty in Council may, if it appears to him necessary so to do, extend the said period of three years.

(3) Any such Order as aforesaid shall provide for the making of objections by and on behalf of existing subscribers and beneficiaries to the vesting of any such fund as aforesaid in the Commissioners and, if any objection is so made in the manner and within the time limited by the Order—

(*a*) so much of any money in the hands of the Governor-General as represents the interest of the objector shall not be transferred to the Commissioners, but shall be dealt with as part of the revenues of the Federation; and

(*b*) in lieu of any pensions which might be payable out of the said funds to or in respect of the objectors there shall be payable out of the revenues of the Federation to and in respect of the said persons such pensions on such conditions as may be specified in rules to be made by the Secretary of State.

(4) Any such Order as aforesaid may, notwithstanding anything in this Part of this Act or in the regulations or rules relating to the fund in question, provide for the making of such alterations in any pensions payable out of the fund to which the Order relates as may be reasonably necessary in consequence of the transfer effected under the Order.

(5) Any interest or dividends received by the Commissioners on sums forming part of any fund vested in them under this section shall be exempt from income tax in the United Kingdom, and estate duty shall not be payable in Great Britain, nor, if the Parliament of Northern Ireland so provides, in Northern Ireland, in respect of any pension payable under the regulations or rules relating to any such fund.

(6) In this section—

references to the Indian Military Service Family Pension Regulations or the Indian Civil

PART X. —*cont.*

Service Family Pension Rules shall be construed as including references to any regulations or rules which may be substituted therefor;

the expression "existing subscribers and beneficiaries" means, in relation to the Indian Military Widows and Orphans Fund and the Superior Services (India) Family Pension Fund, persons who have subscribed to, or are or have been in receipt of pensions from, those funds, and, in relation to the funds to be formed out of the moneys contributed under the Indian Military Service Family Pension Regulations and the Indian Civil Service Family Pension Rules, persons who have contributed under, or are or have been in receipt of pensions payable under, the regulations or rules, not being persons who have surrendered or forfeited their interest in the fund or, as the case may be, their interest under the regulations or rules;

references to pensions payable under the said regulations or the said rules do not include references to any pension or portion of a pension payable otherwise than out of the moneys contributed and to be contributed under those regulations or rules;

references to moneys so contributed, or to be so contributed, include references to interest upon such moneys.

(7) Notwithstanding anything in this Act, and in particular notwithstanding the separation of Burma and Aden from India, the provisions of this section shall apply in relation to persons who, before the commencement of Part III of this Act, were serving His Majesty in India, Burma or Aden, and after the commencement thereof continue to serve His Majesty in Burma or Aden, as they apply in relation to other persons who are serving or have served His Majesty in India, and accordingly the regulations and rules relating to any such fund may apply in relation to any such persons as aforesaid.

If any Order in Council is made under this section, and if provision in that behalf is made by the Acts or rules relating to conditions of service of persons serving

His Majesty in Burma, the said regulations and rules may also extend to persons appointed to the service of the Crown in Burma after the commencement of Part III of this Act.

PART X. —*cont.*

Saving for certain Funds Acts. 29 & 30 Vict. c. 18. 37 & 38 Vict. c. 12. 45 & 46 Vict. c. 45.

274. Notwithstanding anything in this Act, the India Military Funds Act, 1866, the East India Annuity Funds Act, 1874, and the Bombay Civil Fund Act, 1882, shall continue to have effect but subject to the following adaptations, that is to say, that anything to be done under the said Acts by or to the Secretary of State in Council shall, after the commencement of Part III of this Act, be done by or to the Secretary of State, and for any reference in the said Acts to the revenues of India there shall be substituted a reference to the revenues of the Federation.

Persons not to be disqualified by sex for holding certain offices.

275. A person shall not be disqualified by sex for being appointed to any civil service of, or civil post under, the Crown in India other than such a service or post as may be specified by any general or special order made—

(*a*) by the Governor-General in the case of services and posts in connection with the affairs of the Federation;

(*b*) by the Governor of a Province in the case of services and posts in connection with the affairs of the Province;

(*c*) by the Secretary of State in relation to appointments made by him:

Provided that any such agreement with respect to joint services and posts as is mentioned in chapter II of this Part of this Act may provide for the powers conferred by this section on the Governor-General and the Governor of a Province being exercised, with respect to the services or posts to which the agreement applies, by the Governor-General or a specified Governor.

Transitional provisions.

276. Until other provision is made under the appropriate provisions of this Part of this Act, any rules made under the Government of India Act relating to the civil services of, or civil posts under, the Crown in India which were in force immediately before the commencement of Part III of this Act, shall, notwithstanding the repeal of that Act, continue in force so far as consistent with this Act, and shall be deemed to be rules made under the appropriate provisions of this Act.

PART X. —*cont.*

Interpretation, &c.

277. (1) In this Part of this Act—

the expressions "all-India Service," "Central Service Class I," "Central Service Class II," "Railway Service Class I," "Railway Service Class II" and "Provincial Service" mean respectively the services which were immediately before the commencement of Part III of this Act, so described respectively in the classification rules then in force under section ninety-six B of the Government of India Act; and

references to dismissal from His Majesty's service include references to removal from His Majesty's service.

(2) References in this Part of this Act to persons appointed to a civil service of, or a civil post under, the Crown in India—

(*a*) include references to persons who, after service in India, Burma, or Aden, retired from the service of His Majesty before the commencement of Part III of this Act;

(*b*) do not include references to persons so appointed who, after the commencement of Part III of this Act, become members of a civil service of, or hold civil posts under, the Crown in Burma or Aden.

(3) The inclusion in this Part of this Act of provisions expressly requiring the Governor-General or a Governor to exercise his individual judgment with respect to any matter shall not be construed as derogating from the special responsibility of the Governor-General and the Governors for the securing to, and to the dependants of, persons who are or have been members of the public services of any rights provided or preserved for them by or under this Act and the safeguarding of their legitimate interests.

PART XI.

THE SECRETARY OF STATE, HIS ADVISERS AND HIS DEPARTMENT.

Advisers to Secretary of State.

278.—(1) There shall be a body of persons appointed by the Secretary of State, not being less than three nor more than six in number, as the Secretary of State may from time to time determine, whose duty it shall be to advise the Secretary of State on any matter relating to India on which he may desire their advice.

PART XI. —*cont.*

(2) One-half at least of the persons for the time being holding office under this section as advisers of the Secretary of State shall be persons who have held office for at least ten years under the Crown in India and have not last ceased to perform in India official duties under the Crown more than two years before the date of their respective appointments as advisers under this section.

(3) Any person appointed as an adviser to the Secretary of State shall hold office for a term of five years and shall not be eligible for reappointment:

Provided that—

(*a*) any person so appointed may by writing under his hand resign his office to the Secretary of State;

(*b*) the Secretary of State may, if he is satisfied that any person so appointed has by reason of infirmity of mind or body become unfit to continue to hold his office, by order remove him from his office.

(4) A person for the time being holding office as adviser to the Secretary of State shall not be capable of sitting or voting in either House of Parliament.

(5) There shall be paid out of moneys provided by Parliament to each of the advisers of the Secretary of State a salary of thirteen hundred and fifty pounds a year, and also to any of them who at the date of his appointment was domiciled in India a subsistence allowance of six hundred pounds a year.

(6) Except as otherwise expressly provided in this Act, it shall be in the discretion of the Secretary of State whether or not he consults with his advisers on any matter, and, if so, whether he consults with them collectively or with one or more of them individually, and whether or not he acts in accordance with any advice given to him by them.

(7) Any provision of this Act which requires that the Secretary of State shall obtain the concurrence of his advisers shall be deemed to be satisfied if at a meeting of his advisers he obtains the concurrence of at least one-half of those present at the meeting, or if such notice

Part XI. —*cont.*

and opportunity for objection as may be prescribed has been given to those advisers and none of them has required that a meeting shall be held for discussion of the matter.

In this subsection "prescribed" means prescribed by rules of business made by the Secretary of State after obtaining at a meeting of his advisers the concurrence of at least one-half of those present at the meeting.

(8) The Council of India as existing immediately before the commencement of Part III of this Act shall be dissolved.

(9) Notwithstanding anything in the foregoing provisions of this section, a person who immediately before the commencement of Part III of this Act was a member of the Council of India may be appointed under this section as an adviser to the Secretary of State to hold office as such for such period less than five years as the Secretary of State may think fit.

Existing accounts of Secretary of State in Council with Bank of England.

279.—(1) All stock or money standing to the credit of the Secretary of State in Council in the books of the Bank of England at the commencement of Part III of this Act shall, as from that date, be transferred to the credit of the Secretary of State, and any order or instrument with respect to that stock or money executed by the Secretary of State or by such person as may be authorised in writing by the Secretary of State for the purpose, either generally or specially, shall be a sufficient authority and discharge to the Bank in respect of anything done by the Bank in accordance therewith.

(2) Any directions, authority or power of attorney given or executed by or on behalf of the Secretary of State in Council and in force at the commencement of Part III of this Act shall continue in force until countermanded or revoked by the Secretary of State.

Organisation and expenses of India Office.

280.—(1) As from the commencement of Part III of this Act the salary of the Secretary of State and the expenses of his department, including the salaries and remuneration of the staff thereof, shall be paid out of moneys provided by Parliament.

(2) Subject to the provisions of the next succeeding section with respect to the transfer of certain existing officers and servants, the Secretary of State may appoint such officers and servants as he, subject to

the consent of the Treasury as to numbers, may think fit and there shall be paid to persons so appointed such salaries or remuneration as the Treasury may from time to time determine.

(3) There shall be charged on and paid out of the revenues of the Federation into the Exchequer such periodical or other sums as may from time to time be agreed between the Governor-General and the Treasury in respect of so much of the expenses of the department of the Secretary of State as is attributable to the performance on behalf of the Federation of such functions as it may be agreed between the Secretary of State and the Governor-General that that department should so perform.

Transfer of existing personnel.

281.—(1) All persons who immediately before the commencement of Part III of this Act were officers or servants on the permanent establishment of the Secretary of State in Council shall on that date be transferred to the department of the Secretary of State and shall be deemed to be permanent Civil Servants of the State.

(2) Subject as hereinafter provided, the provisions of the Superannuation Acts, 1834 to 1935, and of any orders, rules and regulations made thereunder shall apply in relation to a person so transferred as aforesaid as they apply in relation to a person entering the Civil Service with a certificate from the Civil Service Commissioners, and for the purposes of those Acts, orders, rules and regulations his service shall be reckoned as if service on the permanent establishment of, and employment by, the Secretary of State in Council had at all times been service or employment in a public department the expenses whereof were wholly defrayed out of moneys provided by Parliament:

Provided that neither the Superannuation Act, 1909, nor section four of the Superannuation Act, 1935, shall apply in relation to any person so transferred unless that Act, or, as the case may be, that section (as applicable to persons on the permanent establishment of the Secretary of State in Council) would have applied in relation to him if this Act had not been passed.

9 Edw. 7. c. 10.
25 & 26 Geo. 5. c. 23.

(3) His Majesty may by Order in Council direct that in their application to any person so transferred the said Acts, orders, rules and regulations shall have effect subject to any such modifications as may appear to His

Part XI. —*cont.*

Majesty to be necessary for securing that the case of any such person shall not be dealt with in any manner less favourable to him than it would have been dealt with if this Act had not been passed and he had continued to serve on the establishment of the Secretary of State in Council.

(4) All persons who, not being on the permanent establishment of the Secretary of State in Council, were immediately before the commencement of Part III of this Act officers or servants employed in the United Kingdom by the Secretary of State in Council shall on that date be transferred to the department of the Secretary of State and, for the purposes of the Superannuation Acts, 1834 to 1935, and the orders, rules and regulations made thereunder, employment by the Secretary of State in Council shall be treated as if it had been employment by the Secretary of State.

(5) If the conditions of service of any person to whom the last preceding subsection applies included a condition as to eligibility for a retiring allowance in consideration of meritorious service, the Treasury may, if they think fit, grant to him such an allowance on his retirement.

(6) Notwithstanding anything in the Pensions Commutation Acts, 1877 to 1882, it shall be lawful for the Treasury to commute for a capital sum so much of any superannuation, compensation or retiring allowance as is payable out of moneys provided by Parliament to a person so transferred as aforesaid and for the Secretary of State so to commute so much of any such allowance as is payable to such a person out of the revenues of the Federation.

Any such commutation shall be made upon such conditions as His Majesty in Council may direct, not being more favourable than the conditions which would have applied to the person in question if he had retired from the establishment of the Secretary of State in Council.

Contributions from revenues of Federation.

282.—(1) So much of any superannuation allowances, compensation allowances, retiring allowances, additional allowances or gratuities which may become payable to or in respect of officers and servants transferred by the last preceding section to the department of the Secretary of State as His Majesty in Council may determine to represent the proportion of such allowances or gratuities attributable to service before the date of transfer shall be paid out of the revenues of the Federation :

Provided that account shall not be taken of any service before the date of transfer in respect of which such an allowance or gratuity payable out of moneys provided by Parliament might, if this Act had not been passed, have been awarded under the Superannuation Acts, 1834 to 1935.

(2) If any officer or servant so transferred to the department of the Secretary of State, or any person who, having been previously on the establishment of the Secretary of State in Council, was immediately before the commencement of Part III of this Act a member of the staff of the High Commissioner for India, or any person who immediately before the commencement of Part III of this Act was the Auditor of the Accounts of the Secretary of State in Council or a member of his staff, loses his employment by reason of the abolition of his office or post, or by reason of any reorganisation of the department or of his office, where such abolition or reorganisation results in the opinion of the Secretary of State from the operation of this Act or the Government of Burma Act, 1935, the Secretary of State shall award to that officer or servant out of the revenues of the Federation such compensation as he may think just and equitable in augmentation of any allowance or gratuity for which that officer or servant may be otherwise eligible.

(3) Any payments directed by this section to be made out of the revenues of the Federation shall be charged upon those revenues.

Liability for pensions in respect of service before commencement of Part III.

283.—(1) The liability for payment of any superannuation allowances, compensation allowances, retiring allowances, additional allowances and gratuities which immediately before the commencement of Part III of this Act were payable to or in respect of persons in respect of service on the establishment of the Secretary of State in Council, or in respect of service as Auditor of the Accounts of the Secretary of State in Council, or in respect of service as a member of that Auditor's staff, or partly in respect of service on the establishment of the Secretary of State in Council or as a member of that Auditor's staff and partly in respect of service as a member of the staff of the High Commissioner for India shall be a liability of the Government of the Federation, and those allowances and gratuities shall be charged upon the revenues of the Federation.

(2) The provisions of subsection (1) of this section shall also apply to so much of any superannuation allowances, compensation allowances, retiring allowances, additional allowances, and gratuities awarded after the commencement of Part III of this Act to persons not transferred by the last but one preceding section as is attributable to such service before the commencement of Part III of this Act as is mentioned in the said subsection (1).

Provision as to certain India Office provident funds.

284. Any sums which, if this Act had not been passed, would have been payable, whether as of right or not, by the Secretary of State in Council out of the revenues of India to or in respect of a person who was a subscriber to the Regular Widows' Fund, the Elders Widows' Fund, or the India Office Provident Fund, shall be paid out of the revenues of the Federation and charged on those revenues.

PART XII.

MISCELLANEOUS AND GENERAL.

The Crown and the Indian States.

Saving for rights and obligations of the Crown in its relations with Indian States.

285. Subject in the case of a Federated State to the provisions of the Instrument of Accession of that State, nothing in this Act affects the rights and obligations of the Crown in relation to any Indian State.

Use of His Majesty's forces in connection with discharge of the functions of the Crown in its relations with Indian States.

286.—(1) If His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States requests the assistance of armed forces for the due discharge of those functions, it shall be the duty of the Governor-General in the exercise of the executive authority of the Federation to cause the necessary forces to be employed accordingly, but the net additional expense, if any, incurred in connection with those forces by reason of that employment shall be deemed to be expenses of His Majesty incurred in discharging the said functions of the Crown.

(2) In discharging his functions under this section the Governor-General shall act in his discretion.

Arrangements for Governors and Provincial staff to assist in discharging functions of Political Department.

287. Arrangements may be made between His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States and the Governor of any Province for the discharge by the Governor and officers serving in connection with the affairs of the Province of powers and duties in connection with the exercise of the said functions of the Crown.

Aden.

Aden.

288.—(1) On such date as His Majesty may by Order in Council appoint (in this section referred to as "the appointed day") the then existing Chief Commissioner's Province of Aden (in this section referred to as "Aden") shall cease to be a part of British India.

(2) At any time after the passing of this Act it shall be lawful for His Majesty in Council to make such provision as he deems proper for the government of Aden after the appointed day, and any such Order in Council may delegate to any person or persons within Aden power to make laws for the peace, order and good government of Aden, without prejudice to the power of His Majesty in Council, notwithstanding such delegation, from time to time to make laws for any of the purposes aforesaid.

(3) An Order made by His Majesty in Council by virtue of the preceding subsection may, without prejudice to the generality of the words of that subsection, contain provisions with respect to—

(*a*) the continuing validity of all Acts, orders, ordinances and regulations in force in Aden immediately before the appointed day;

(*b*) the continuing validity of lawful acts done by any authority in Aden before the appointed day;

(*c*) the validity and continuance of proceedings commenced before the appointed day in any Court of Justice in, or having jurisdiction in, Aden; and

PART XII. —*cont.*

(*d*) the enforcement by or against the Government of Aden of claims which, if this Act had not been passed, might have been enforced by or against the Secretary of State in Council in connection with the administration of Aden.

(4) If any such Order is made, it shall confer appellate jurisdiction from courts in Aden upon such court in India as may be specified in the Order, and it shall be the duty of any court in India upon which jurisdiction is so conferred to exercise that jurisdiction, and such contribution, if any, as His Majesty in Council may determine shall be paid out of the revenues of Aden towards the expenses of that court.

The Order shall also make provision specifying the cases in which an appeal from that court in India may be brought to His Majesty in Council.

(5) Any property which immediately before the separation of Aden from India was vested in His Majesty for the purposes of the Government of India and either was then situate in Aden, or, by virtue of any delegation from the Secretary of State in Council or otherwise, was then in the possession, or under the control of, or held on account of, the Local Government of Aden, shall, as from the said separation, vest in His Majesty for the purposes of the Government of Aden, and any contract made or liability incurred by or on behalf of the Secretary of State in Council before the said separation solely for a purpose which will after the separation be a purpose of the Government of Aden shall, as from the separation, have effect as if it had been made or incurred by or on behalf of the Government of Aden.

New Provinces and alterations of boundaries of Provinces.

Creation of new Provinces of Sind and Orissa.

289.—(1) As from such date as His Majesty may by Order in Council appoint—

(*a*) Sind shall be separated from the Presidency of Bombay and shall form a Governor's Province to be known as the Province of Sind;

(*b*) Orissa and such other areas in the Province of Bihar and Orissa as may be specified in the Order of His Majesty shall be separated from that Province, and such areas as may be specified in the said Order shall be separated from the Presidency of Madras and the Central Provinces respectively, and Orissa and the other areas so separated shall together form a Governor's Province to be known as the Province of Orissa; and

(*c*) the Province formerly known as Bihar and Orissa shall be known as the Province of Bihar.

(2) An Order in Council made under this section shall define the boundaries of the Provinces of Sind and Orissa and may contain—

(*a*) such provisions for their government and administration during the period before Part III of this Act comes into operation;

(*b*) such provisions for varying during the said period the composition of the Local Legislature of any Presidency or Province the boundaries of which are altered under this section;

(*c*) such provisions with respect to the laws which, subject to amendment or repeal by the Provincial or, as the case may be, the Federal Legislature, are to be in force in, or in any part of, Sind or Orissa respectively;

(*d*) in the case of Orissa, such provisions with respect to the jurisdiction therein of any court theretofore exercising the jurisdiction of a High Court, either generally or for any particular purpose, in any area to be included in the Province;

(*e*) such provisions with respect to apportionments and adjustments of and in respect of assets and liabilities; and

(*f*) such supplemental, incidental and consequential provisions,

as His Majesty may deem necessary or proper.

(3) Subject to the provisions of any such Order as aforesaid, the Governor-General in Council may, until the date on which Part III of this Act comes into operation, exercise in relation to the Provinces of Sind and Orissa and any Presidency or Province the boundaries

Part XII. —*cont.*

of which are altered under this section any powers which he might have exercised if the said new Provinces had been constituted, or those boundaries had been altered, under the provisions in that behalf contained in the Government of India Act.

(4) In this Act the expression "the Legislative Council of the Province" when used in relation to a date before the commencement of Part III of this Act shall in the case of Sind and Orissa be deemed to refer to the Legislative Councils of Bombay and of Bihar or Bihar and Orissa respectively.

Creation of new Provinces and alterations of boundaries of Provinces.

290.—(1) Subject to the provisions of this section, His Majesty may by Order in Council—

(*a*) create a new Province;

(*b*) increase the area of any Province;

(*c*) diminish the area of any Province;

(*d*) alter the boundaries of any Province:

Provided that, before the draft of any such Order is laid before Parliament, the Secretary of State shall take such steps as His Majesty may direct for ascertaining the views of the Federal Government and the Chambers of the Federal Legislature and the views of the Government and the Chamber or Chambers of the Legislature of any Province which will be affected by the Order, both with respect to the proposal to make the Order and with respect to the provisions to be inserted therein.

(2) An Order made under this section may contain such provisions for varying the representation in the Federal Legislature of any Governor's Province the boundaries of which are altered by the Order and for varying the composition of the Legislature of any such Province, such provisions with respect to apportionments and adjustments of and in respect of assets and liabilities, and such other supplemental, incidental and consequential provisions as His Majesty may deem necessary or proper:

Provided that no such Order shall vary the total membership of either Chamber of the Federal Legislature.

(3) In this section the expression "Province" means either a Governor's Province or a Chief Commissioner's Province.

Franchise.

Power of His Majesty to make provision with respect to franchises and elections.

291. In so far as provision with respect to the matters hereinafter mentioned is not made by this Act, His Majesty in Council may from time to time make provision with respect to those matters or any of them, that is to say—

(*a*) the delimitation of territorial constituencies for the purpose of elections under this Act;

(*b*) the qualifications entitling persons to vote in territorial or other constituencies at such elections, and the preparation of electoral rolls;

(*c*) the qualifications for being elected at such elections as a member of a legislative body;

(*d*) the filling of casual vacancies in any such body;

(*e*) the conduct of elections under this Act and the methods of voting thereat;

(*f*) the expenses of candidates at such elections;

(*g*) corrupt practices and other offences at or in connection with such elections;

(*h*) the decision of doubts and disputes arising out of, or in connection with, such elections;

(*i*) matters ancillary to any such matter as aforesaid.

Provisions as to certain legal matters.

Existing law of India to continue in force.

292. Notwithstanding the repeal by this Act of the Government of India Act, but subject to the other provisions of this Act, all the law in force in British India immediately before the commencement of Part III of this Act shall continue in force in British India until altered or repealed or amended by a competent Legislature or other competent authority.

Adaptation of existing Indian laws, &c.

293. His Majesty may by Order in Council to be made at any time after the passing of this Act provide that, as from such date as may be specified in the Order, any law in force in British India or in any part of British India shall, until repealed or amended by a competent Legislature or other competent authority, have effect subject to such adaptations and modifications as appear to His Majesty to be necessary or expedient for bringing the provisions of that law into accord with the provisions of this Act and, in particular, into accord with the provisions thereof which reconstitute under

PART XII. —*cont.*

different names governments and authorities in India and prescribe the distribution of legislative and executive powers between the Federation and the Provinces:

Provided that no such law as aforesaid shall be made applicable to any Federated State by an Order in Council made under this section.

In this section the expression "law" does not include an Act of Parliament, but includes any ordinance, order, byelaw, rule or regulation having in British India the force of law.

Foreign jurisdiction.

294.—(1) Neither the executive authority of the Federation nor the legislative power of the Federal Legislature shall extend to any area in a Federated State which His Majesty in signifying his acceptance of the Instrument of Accession of that State may declare to be an area theretofore administered by or on behalf of His Majesty to which it is expedient that the provisions of this subsection should apply, and references in this Act to a Federated State shall not be construed as including references to any such area:

Provided that—

(*a*) a declaration shall not be made under this subsection with respect to any area unless, before the execution by the Ruler of the Instrument of Accession, notice has been given to him of His Majesty's intention to make that declaration;

(*b*) if His Majesty with the assent of the Ruler of the State relinquishes his powers and jurisdiction in relation to any such area or any part of any such area, the foregoing provisions of this subsection shall cease to apply to that area or part, and the executive authority of the Federation and the legislative power of the Federal Legislature shall extend thereto in respect of such matters and subject to such limitations as may be specified in a supplementary Instrument of Accession for the State.

Nothing in this subsection applies to any area if it appears to His Majesty that jurisdiction to administer the area was granted to him solely in connection with a railway.

(2) Subject as aforesaid and to the following provisions of this section, if, after the accession of a State becomes effective, power or jurisdiction therein with respect to any matter is, by virtue of the Instrument of Accession of the State, exercisable, either generally or subject to limits, by the Federation, the Federal Legislature, the Federal Court, the Federal Railway Authority, or a Court or an authority exercising the power or jurisdiction by virtue of an Act of the Federal Legislature, or is, by virtue of an agreement made under Part VI of this Act in relation to the administration of a law of the Federal Legislature, exercisable, either generally or subject to limits, by the Ruler or his officers, then any power or jurisdiction formerly exercisable on His Majesty's behalf in that State, whether by virtue of the Foreign Jurisdiction Act, 1890, or otherwise, shall not be exercisable in that State with respect to that matter or, as the case may be, with respect to that matter within those limits. 53 & 54 Vict. c. 37.

(3) So much of any law as by virtue of any power exercised by or on behalf of His Majesty to make laws in a State is in force in a Federated State immediately before the accession of the State becomes effective and might by virtue of the Instrument of Accession of the State be re-enacted for that State by the Federal Legislature, shall continue in force and be deemed for the purposes of this Act to be a Federal law so re-enacted:

Provided that any such law may be repealed or amended by Act of the Federal Legislature and unless continued in force by such an Act shall cease to have effect on the expiration of five years from the date when the accession of the State becomes effective.

(4) Subject as aforesaid, the powers and jurisdiction exercisable by or on behalf of His Majesty before the commencement of Part III of this Act in Indian States shall continue to be exercisable, and any Order in Council with respect to the said powers or jurisdiction made under the Foreign Jurisdiction Act, 1890, or otherwise, and all delegations, rules and orders made under any such Order, shall continue to be of full force and effect until the Order is amended or revoked by a subsequent Order:

PART XII. —*cont.*

Provided that nothing in this subsection shall be construed as prohibiting His Majesty from relinquishing any power or jurisdiction in any Indian State.

(5) An Order in Council made by virtue and in exercise of the powers by the Foreign Jurisdiction Act, 1890, or otherwise in His Majesty vested, empowering any person to make rules and orders in respect of courts or administrative authorities acting for any territory shall not be invalid by reason only that it confers, or delegates powers to confer, on courts or administrative authorities power to sit or act outside the territory in respect of which they have jurisdiction or functions, or that it confers, or delegates power to confer, appellate jurisdiction or functions on courts or administrative authorities sitting or acting outside the territory.

(6) In the Foreign Jurisdiction Act, 1890, the expression " a British court in a foreign country " shall, in relation to any part of India outside British India, include any person duly exercising on behalf of His Majesty any jurisdiction, civil or criminal, original or appellate, whether by virtue of an Order in Council or not, and for the purposes of section nine of that Act the Federal Court shall, as respects appellate jurisdiction in cases tried by a British Court in a Federated State, be deemed to be a Court held in a British Possession or under the authority of His Majesty.

(7) Nothing in this Act shall be construed as limiting any right of His Majesty to determine by what courts British subjects and subjects of foreign countries shall be tried in respect of offences committed in Indian States.

(8) Nothing in this section affects the provisions of this Act with respect to Berar.

Provisions as to death sentences.

295.—(1) Where any person has been sentenced to death in a Province, the Governor-General in his discretion shall have all such powers of suspension, remission or commutation of sentence as were vested in the Governor-General in Council immediately before the commencement of Part III of this Act, but save as aforesaid no authority in India outside a Province shall have any power to suspend, remit or commute the sentence of any person convicted in the Province:

Provided that nothing in this subsection affects any power of any officer of His Majesty's forces to suspend, remit or commute a sentence passed by a court martial.

(2) Nothing in this Act shall derogate from the right of His Majesty, or of the Governor-General, if any such right is delegated to him by His Majesty, to grant pardons, reprieves, respites or remissions of punishment.

Courts of Appeal in revenue matters.

296.—(1) No member of the Federal or a Provincial Legislature shall be a member of any tribunal in British India having jurisdiction to entertain appeals or revise decisions in revenue cases.

(2) If in any Province any such jurisdiction as aforesaid was, immediately before the commencement of Part III of this Act, vested in the Local Government, the Governor shall constitute a tribunal, consisting of such person or persons as he, exercising his individual judgment, may think fit, to exercise the same jurisdiction until other provision in that behalf is made by Act of the Provincial Legislature.

(3) There shall be paid to the members of any tribunal constituted under the last preceding subsection, such salaries and allowances as the Governor exercising his individual judgment may determine, and those salaries and allowances shall be charged on the revenues of the Province.

Prohibition of certain restrictions on internal trade.

297.—(1) No Provincial Legislature or Government shall—

(*a*) by virtue of the entry in the Provincial Legislative List relating to trade and commerce within the Province, or the entry in that list relating to the production, supply, and distribution of commodities, have power to pass any law or take any executive action prohibiting or restricting the entry into, or export from, the Province of goods of any class or description; or

(*b*) by virtue of anything in this Act have power to impose any tax, cess, toll, or due which, as between goods manufactured or produced in the Province and similar goods not so manufactured

Part XII. *cont.*

or produced, discriminates in favour of the former, or which, in the case of goods manufactured or produced outside the Province, discriminates between goods manufactured or produced in one locality and similar goods manufactured or produced in another locality.

(2) Any law passed in contravention of this section shall, to the extent of the contravention, be invalid.

Persons not to be subjected to disability by reason of race, religion, &c.

298.—(1) No subject of His Majesty domiciled in India shall on grounds only of religion, place of birth, descent, colour or any of them be ineligible for office under the Crown in India, or be prohibited on any such grounds from acquiring, holding or disposing of property or carrying on any occupation, trade, business or profession in British India.

(2) Nothing in this section shall affect the operation of any law which—

(*a*) prohibits, either absolutely or subject to exceptions, the sale or mortgage of agricultural land situate in any particular area, and owned by a person belonging to some class recognised by the law as being a class of persons engaged in or connected with agriculture in that area, to any person not belonging to any such class; or

(*b*) recognises the existence of some right, privilege or disability attaching to members of a community by virtue of some personal law or custom having the force of law.

(3) Nothing in this section shall be construed as derogating from the special responsibility of the Governor-General or of a Governor for the safeguarding of the legitimate interests of minorities.

Compulsory acquisition of land, &c.

299.—(1) No person shall be deprived of his property in British India save by authority of law.

(2) Neither the Federal nor a Provincial Legislature shall have power to make any law authorising the compulsory acquisition for public purposes of any land, or any commercial or industrial undertaking, or any interest in, or in any company owning, any commercial or industrial undertaking, unless the law provides for the payment of compensation for the property acquired and

either fixes the amount of the compensation, or specifies the principles on which, and the manner in which, it is to be determined.

(3) No Bill or amendment making provision for the transference to public ownership of any land or for the extinguishment or modification of rights therein, including rights or privileges in respect of land revenue, shall be introduced or moved in either Chamber of the Federal Legislature without the previous sanction of the Governor-General in his discretion, or in a Chamber of a Provincial Legislature without the previous sanction of the Governor in his discretion.

(4) Nothing in this section shall affect the provisions of any law in force at the date of the passing of this Act.

(5) In this section "land" includes immovable property of every kind and any rights in or over such property, and "undertaking" includes part of an undertaking.

Protection for certain rights, privileges, and pensions.

300.—(1) The executive authority of the Federation or of a Province shall not be exercised, save on an order of the Governor-General or Governor, as the case may be, in the exercise of his individual judgment, so as to derogate from any grant or confirmation of title of or to land, or of or to any right or privilege in respect of land or land revenue, being a grant or confirmation made before the first day of January, one thousand eight hundred and seventy, or made on or after that date for services rendered.

(2) No pension granted or customarily payable before the commencement of Part III of this Act by the Governor-General in Council or any Local Government on political considerations or compassionate grounds shall be discontinued or reduced, otherwise than in accordance with any grant or order regulating the payment thereof, save on an order of the Governor-General in the exercise of his individual judgment or, as the case may be, of the Governor in the exercise of his individual judgment, and any sum required for the payment of any such pension shall be charged on the revenues of the Federation or, as the case may be, the Province.

PART XII. —*cont.*

(3) Nothing in this section affects any remedy for a breach of any condition on which a grant was made.

Repeal of s. 18 of 21 Geo. 3. c. 70, and s. 12 of 37 Geo. 3. c. 412.

301. Section eighteen of the East India Company Act, 1780, and section twelve of the East India Act, 1797 (being obsolete enactments containing savings for native law and custom) are hereby repealed.

High Commissioner.

High Commissioner for India.

302.—(1) There shall be a High Commissioner for India in the United Kingdom who shall be appointed, and whose salary and conditions of service shall be prescribed, by the Governor-General, exercising his individual judgment.

(2) The High Commissioner shall perform on behalf of the Federation such functions in connection with the business of the Federation, and, in particular, in relation to the making of contracts as the Governor-General may from time to time direct.

(3) The High Commissioner may, with the approval of the Governor-General and on such terms as may be agreed, undertake to perform on behalf of a Province or Federated State, or on behalf of Burma, functions similar to those which he performs on behalf of the Federation.

General Provisions.

Provisions as to Sheriff of Calcutta.

303.—(1) The Sheriff of Calcutta shall be appointed annually by the Governor of Bengal from a panel of three persons to be nominated on the occasion of each vacancy by the High Court in Calcutta.

(2) The Sheriff shall hold office during the pleasure of the Governor and shall be entitled to such remuneration as the Governor may determine and no other remuneration.

(3) In exercising his powers with respect to the appointment and dismissal of the Sheriff, and with respect to the determination of his remuneration, the Governor shall exercise his individual judgment.

Persons acting as Governor-General or Governor.

304. Any person appointed by His Majesty to act as Governor-General or as the Governor of a Province during the absence of the Governor-General or the Governor from India, or during any period during which the Governor-General or the Governor is for any reason unable to perform the duties of his office, shall during, and in respect of, the period while he is so acting have all the powers and immunities, and be subject to all the duties of, the Governor-General or Governor, as the case may be, and, if he holds any other office, shall not act therein or be entitled to the salary and allowances appertaining thereto while he is acting as Governor-General or Governor.

Secretarial staffs of Governor-General and Governor.

305.—(1) The Governor-General and every Governor shall have his own secretarial staff to be appointed by him in his discretion.

(2) The salaries and allowances of persons so appointed and the office accommodation and other facilities to be provided for them shall be such as the Governor-General or, as the case may be, the Governor may in his discretion determine, and the said salaries and allowances and the expenses incurred in providing the said accommodation and facilities shall be charged on the revenues of the Federation or, as the case may be, the Province.

Protection of Governor-General, Governor or Secretary of State.

306.—(1) No proceedings whatsoever shall lie in, and no process whatsoever shall issue from, any court in India against the Governor-General, against the Governor of a Province, or against the Secretary of State, whether in a personal capacity or otherwise, and, except with the sanction of His Majesty in Council, no proceedings whatsoever shall lie in any court in India against any person who has been the Governor-General, the Governor of a Province, or the Secretary of State in respect of anything done or omitted to be done by any of them during his term of office in performance or purported performance of the duties thereof:

Provided that nothing in this section shall be construed as restricting the right of any person to bring against the Federation, a Province, or the Secretary of State such proceedings as are mentioned in chapter III of Part VII of this Act.

(2) The provisions of the preceding subsection shall apply in relation to His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States as they apply in relation to the Governor-General.

Part XII. —*cont.*

Removal of certain disqualifications on the occasion of the first elections to Legislature.

307. For the purposes of the first elections of persons to serve as members of the Federal Legislature and of Provincial Legislatures, no person shall be subject to any disqualification by reason only of the fact that he holds—

(*a*) an office of profit as a non-official member of the Executive Council of the Governor-General or a Governor, or as a minister in a Province;

(*b*) an office which is not a whole time office remunerated either by salary or by fees.

Procedure as respects proposals for amendment of certain provisions of Act and Orders in Council.

308.—(1) Subject to the provisions of this section, if the Federal Legislature or any Provincial Legislature, on motions proposed in each Chamber by a minister on behalf of the council of ministers, pass a resolution recommending any such amendment of this Act or of an Order in Council made thereunder as is hereinafter mentioned, and on motions proposed in like manner, present to the Governor-General or, as the case may be, to the Governor an address for submission to His Majesty praying that His Majesty may be pleased to communicate the resolution to Parliament, the Secretary of State shall, within six months after the resolution is so communicated, cause to be laid before both Houses of Parliament a statement of any action which it may be proposed to take thereon.

The Governor-General or the Governor, as the case may be, when forwarding any such resolution and address to the Secretary of State shall transmit therewith a statement of his opinion as to the proposed amendment and, in particular, as to the effect which it would have on the interests of any minority, together with a report as to the views of any minority likely to be affected by the proposed amendment and as to whether a majority of the representatives of that minority in the Federal or, as the case may be, the Provincial Legislature support the proposal, and the Secretary of State shall cause such statement and report to be laid before Parliament.

In performing his duties under this subsection the Governor-General or the Governor, as the case may be, shall act in his discretion.

Part XII. —*cont.*

(2) The amendments referred to in the preceding subsection are—

(*a*) any amendment of the provisions relating to the size or composition of the Chambers of the Federal Legislature, or to the method of choosing or the qualifications of members of that Legislature, not being an amendment which would vary the proportion between the number of seats in the Council of State and the number of seats in the Federal Assembly, or would vary, either as regards the Council of State or the Federal Assembly, the proportion between the number of seats allotted to British India and the number of seats allotted to Indian States;

(*b*) any amendment of the provisions relating to the number of Chambers in a Provincial Legislature or the size or composition of the Chamber, or of either Chamber, of a Provincial Legislature, or to the method of choosing or the qualifications of members of a Provincial Legislature;

(*c*) any amendment providing that, in the case of women, literacy shall be substituted for any higher educational standard for the time being required as a qualification for the franchise, or providing that women, if duly qualified, shall be entered on electoral rolls without any application being made for the purpose by them or on their behalf; and

(*d*) any other amendment of the provisions relating to the qualifications entitling persons to be registered as voters for the purposes of elections.

(3) So far as regards any such amendment as is mentioned in paragraph (*c*) of the last preceding subsection, the provisions of subsection (1) of this section shall apply to a resolution of a Provincial Legislature whenever passed, but, save as aforesaid, those provisions shall not apply to any resolution passed before the expiration of ten years, in the case of a resolution of the Federal Legislature, from the establishment of the Federation, and, in the case of a resolution of a Provincial Legislature, from the commencement of Part III of this Act.

Part XII. —*cont.*

(4) His Majesty in Council may at any time before or after the commencement of Part III of this Act, whether the ten years referred to in the last preceding subsection have elapsed or not, and whether any such address as is mentioned in this section has been submitted to His Majesty or not, make in the provisions of this Act any such amendment as is referred to in subsection (2) of this section:

Provided that—

(i) if no such address has been submitted to His Majesty, then, before the draft of any Order which it is proposed to submit to His Majesty is laid before Parliament, the Secretary of State shall, unless it appears to him that the proposed amendment is of a minor or drafting nature, take such steps as His Majesty may direct for ascertaining the views of the Governments and Legislatures in India who would be affected by the proposed amendment and the views of any minority likely to be so affected, and whether a majority of the representatives of that minority in the Federal or, as the case may be, the Provincial Legislature support the proposal;

(ii) the provisions of Part II of the First Schedule to this Act shall not be amended without the consent of the Ruler of any State which will be affected by the amendment.

Orders in Council.

309.—(1) Any power conferred by this Act on His Majesty in Council shall be exercisable only by Order in Council, and subject as hereinafter provided, the Secretary of State shall lay before Parliament the draft of any Order which it is proposed to recommend His Majesty to make in Council under any provision of this Act, and no further proceedings shall be taken in relation thereto except in pursuance of an address presented to His Majesty by both Houses of Parliament praying that the Order may be made either in the form of the draft, or with such amendments as may have been agreed to by resolutions of both Houses:

Provided that, if at any time when Parliament is dissolved or prorogued, or when both Houses of Parliament are adjourned for more than fourteen days, the Secretary of State is of opinion that on account of urgency an Order in Council should be made under this Act forthwith, it shall not be necessary for a draft of the Order to be laid before Parliament, but the Order shall cease to have effect at the expiration of twenty-eight days from the date on which the Commons House first sits after the making of the Order unless within that period resolutions approving the making of the Order are passed by both Houses of Parliament.

(2) Subject to any express provision of this Act, His Majesty in Council may by a subsequent Order, made in accordance with the provisions of the preceding subsection, revoke or vary any Order previously made by him in Council under this Act.

(3) Nothing in this section applies to any Order of His Majesty in Council made in connection with any appeal to His Majesty in Council, or to any Order of His Majesty in Council sanctioning the taking of proceedings against a person who has been the Governor-General, His Majesty's Representative for the exercise of the functions of the Crown in its relations with Indian States, the Governor of a Province or the Secretary of State.

Power of His Majesty in Council to remove difficulties.

310.—(1) Whereas difficulties may arise in relation to the transition from the provisions of the Government of India Act to the provisions of this Act, and in relation to the transition from the provisions of Part XIII of this Act to the provisions of Part II of this Act:

And whereas the nature of those difficulties, and of the provision which should be made for meeting them, cannot at the date of the passing of this Act be fully foreseen:

Now therefore, for the purpose of facilitating each of the said transitions His Majesty may by Order in Council—

(*a*) direct that this Act and any provisions of the Government of India Act still in force shall, during such limited period as may be specified in the Order, have effect subject to such adaptations and modifications as may be so specified;

(*b*) make, with respect to a limited period so specified such temporary provision as he thinks fit for ensuring that, while the transition is being effected and during the period immediately following it, there are available to all governments in India and Burma sufficient revenues to enable the business of those governments to be carried on; and

(*c*) make such other temporary provisions for the purpose of removing any such difficulties as aforesaid as may be specified in the Order.

(2) No Order in Council in relation to the transition from the provisions of Part XIII of this Act to the provisions of Part II of this Act shall be made under this section after the expiration of six months from the establishment of the Federation, and no other Order in Council shall be made under this section after the expiration of six months from the commencement of Part III of this Act.

Interpretation.

Interpretation, &c.

311.—(1) In this Act and, unless the context otherwise requires, in any other Act the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"British India" means all territories for the time being comprised within the Governors' Provinces and the Chief Commissioners' Provinces;

"India" means British India together with all territories of any Indian Ruler under the suzerainty of His Majesty, all territories under the suzerainty of such an Indian Ruler, the tribal areas, and any other territories which His Majesty in Council may, from time to time, after ascertaining the views of the Federal Government and the Federal Legislature, declare to be part of India;

"Burma" includes (subject to the exercise by His Majesty of any powers vested in him with respect to the alteration of the boundaries thereof) all territories which were immediately before the commencement of Part III of this Act comprised in India, being territories lying to the east of Bengal, the State of Manipur, Assam, and any tribal areas connected with Assam;

"British Burma" means so much of Burma as belongs to His Majesty;

"Tribal areas" means the areas along the frontiers of India or in Baluchistan which are not part of British India or of Burma or of any Indian State or of any foreign State;

"Indian State" includes any territory, whether described as a State, an Estate, a Jagir or otherwise, belonging to or under the suzerainty of a Ruler who is under the suzerainty of His Majesty and not being part of British India;

"Ruler" in relation to a State means the Prince, Chief or other person recognised by His Majesty as the Ruler of the State.

(2) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"agricultural income" means agricultural income as defined for the purposes of the enactments relating to Indian income tax;

"borrow" includes the raising of money by the grant of annuities and "loan" shall be construed accordingly;

"chief justice" includes in relation to a High Court a chief judge or judicial commissioner, and "judge" includes an additional judicial commissioner;

"corporation tax" means any tax on so much of the income of companies as does not represent agricultural income, being a tax to which the enactments requiring or authorising companies to make deductions in respect of income tax from payments of interest or dividends, or from other payments representing a distribution of profits, have no application;

"corresponding Province" means in case of doubt such Province as may be determined by His Majesty in Council to be the corresponding Province for the particular purpose in question;

"debt" includes any liability in respect of any obligation to repay capital sums by way of

PART XII. —*cont.*

annuities and any liability under any guarantee, and " debt charges " shall be construed accordingly;

" existing Indian law " means any law, ordinance, order, byelaw, rule or regulation passed or made before the commencement of Part III of this Act by any legislature, authority or person in any territories for the time being comprised in British India, being a legislature, authority or person having power to make such a law, ordinance, order, byelaw, rule or regulation;

" goods " includes all materials, commodities, and articles;

" guarantee " includes any obligation undertaken before the commencement of Part III of this Act to make payments in the event of the profits of an undertaking falling short of a specified amount;

" High Court " does not, except where it is expressly so provided, include a High Court in a Federated State;

" Local Government " means any such Governor in Council, Governor acting with ministers, Lieutenant-Governor in Council, Lieutenant-Governor or Chief Commissioner as was at the relevant time a Local Government for the purposes of the Government of India Act or any Act repealed by that Act, but does not, save where the context otherwise requires, include any Local Government in Burma or Aden;

" pension " in relation to persons in or formerly in the service of the Crown in India, Burma or Aden, means a pension, whether contributory or not, of any kind whatsoever payable to or in respect of any such person, and includes retired pay so payable, a gratuity so payable and any sum or sums so payable by way of the return, with or without interest thereon or any other addition thereto, of subscriptions to a provident fund;

" pleader " includes advocate;

"Provincial Act" and "Provincial law" mean, subject to the provisions of this section, an Act passed or law made by a Provincial Legislature established under this Act;

Part XII. —*cont.*

"public notification" means a notification in the Gazette of India or, as the case may be, the official Gazette of a Province;

"securities" includes stock;

"taxation" includes the imposition of any tax or impost whether general or local or special, and "tax" shall be construed accordingly;

"railway" includes a tramway not wholly within a municipal area;

"federal railway" does not include an Indian State railway but, save as aforesaid, includes any railway not being a minor railway;

"Indian State railway" means a railway owned by a State and either operated by the State, or operated on behalf of the State otherwise than in accordance with a contract made with the State by or on behalf of the Secretary of State in Council, the Federal Government, the Federal Railway Authority, or any company operating a federal railway;

"minor railway" means a railway which is wholly situate in one unit and does not form a continuous line of communication with a federal railway, whether of the same gauge or not; and

"unit" means a Governor's Province, a Chief Commissioner's Province or a Federated State.

(3) No Indian State shall, for the purpose of any reference in this Act to Federated States, be deemed to have become a Federated State until the establishment of the Federation.

(4) In paragraph (3) of section eighteen of the Interpretation Act, 1889 (which paragraph defines the expression "colony") for the words "exclusive of

52 & 53 Vict. c. 63.

PART XII. —*cont.*

the British Islands and of British India" there shall be substituted the words "exclusive of the British Islands and of British India and of British Burma."

(5) Any Act of Parliament containing references to India or any part thereof, to countries other than or situate outside India or other than or situate outside British India, to His Majesty's dominions, to a British possession, to the Secretary of State in Council, to the Governor-General in Council, to a Governor in Council or to Legislatures, courts, or authorities in, or to matters relating to the government or administration of, India or British India shall have effect subject to such adaptations and modifications as His Majesty in Council may direct, being adaptations and modifications which appear to His Majesty in Council to be necessary or expedient in consequence of the provisions of this Act or the Government of Burma Act, 1935.

Any power of any legislature under this Act to repeal or amend any Act adapted or modified by an Order in Council under this subsection shall extend to the repeal or amendment of that Order, and any reference in this Act to an Act of Parliament shall be construed as including a reference to any such Order.

(6) Any reference in this Act to Federal Acts or laws or Provincial Acts or laws, or to Acts or laws of the Federal or a Provincial Legislature, shall be construed as including a reference to an ordinance made by the Governor-General or a Governor-General's Act or, as the case may be, to an ordinance made by a Governor or a Governor's Act.

(7) References in this Act to the taking of an oath include references to the making of an affirmation.

PART XIII.

TRANSITIONAL PROVISIONS.

Operation of Part XIII.

312. The provisions of this Part of this Act shall apply with respect to the period elapsing between the commencement of Part III of this Act and the establishment of the Federation.

Part XIII. —*cont.*

Executive Government.

313.—(1) Subject to the provisions of this Act for the time being in force, such executive authority as is hereinafter mentioned shall be exercised on behalf of His Majesty by the Governor-General in Council, either directly or through officers subordinate to him, but nothing in this section shall prevent the Indian Legislature from conferring functions upon subordinate authorities, or be deemed to transfer to the Governor-General in Council any functions conferred by any existing Indian law on any court, judge or officer, or on any local or other authority.

(2) Subject to the provisions of this Act for the time being in force, the said executive authority extends—

(*a*) to the matters with respect to which the Indian Legislature has, under the said provisions, power to make laws;

(*b*) to the raising in British India on behalf of His Majesty of naval, military or air forces, and to the governance of His Majesty's forces borne on the Indian establishment;

(*c*) to the exercise of such rights, authority and jurisdiction as are exercisable by His Majesty by treaty, grant, usage, sufferance or otherwise in and in relation to the tribal areas:

Provided that—

(i) the said authority does not, save as expressly provided in the provisions of this Act for the time being in force, extend in any Province to matters with respect to which the Provincial Legislature has power to make laws;

(ii) the said authority does not extend to the enlistment or enrolment in any force raised in British India of any person unless he is either a subject of His Majesty, or a native of India or of territories adjacent thereto; and

(iii) commissions in any such forces shall be granted by His Majesty, save in so far as he

Part XIII. —*cont.*

may be pleased to delegate that power by virtue of the provisions of Part I of this Act or otherwise.

(3) References in the provisions of this Act for the time being in force to the Governor-General and the Federal Government shall, except as respects matters with respect to which the Governor-General is required by the said provisions to act in his discretion, be construed as references to the Governor-General in Council, and any reference to the Federation, except where the reference is to the establishment of the Federation, shall be construed as a reference to British India, the Governor-General in Council, or the Governor-General, as the circumstances and the context may require:

Provided that—

(*a*) any reference to the revenues of the Federation shall be construed as a reference to the revenues of the Governor-General in Council;

(*b*) the revenues of the Governor-General in Council shall, subject to the provisions of chapter I of Part VII of this Act with respect to the assignment of the whole or part of the net proceeds of certain taxes and duties to Provinces and to the provisions of this Act with respect to the Federal Railway Authority (so far as any such provisions are for the time being in force), include all revenues and public moneys raised or received either by the Governor-General in Council or by the Governor-General;

(*c*) the expenses of the Governor-General in discharging his functions as respects matters with respect to which he is required by the provisions of this Act for the time being in force to act in his discretion shall be defrayed out of the revenues of the Governor-General in Council.

(4) Any requirement in this Act that the Governor-General shall exercise his individual judgment with

respect to any matter shall not come into force until the establishment of the Federation, but, notwithstanding that Part II of this Act has not come into operation, the following provisions of this Act, that is to say—

(*a*) the provisions requiring the prior sanction of the Governor-General for certain legislative proposals;

(*b*) the provisions relating to broadcasting;

(*c*) the provisions relating to directions to, and principles to be observed by, the Federal Railway Authority; and

(*d*) the provisions relating to civil services to be recruited by the Secretary of State,

shall have effect in relation to defence, ecclesiastical affairs, external affairs and the tribal areas as they have effect in relation to matters or functions with respect to, or in the exercise of, which the Governor-General is by the provisions of this Act for the time being in force required to act in his discretion, and any reference in any of the provisions of this Act for the time being in force to the special responsibilities of the Governor-General shall be construed as a reference to the special responsibilities which he will have when Part II of this Act comes into operation.

(5) Nothing in this section shall be construed as conferring on the Governor-General in Council any functions connected with the exercise of the functions of the Crown in its relations with Indian States.

Control of the Secretary of State.

314.—(1) The Governor-General in Council and the Governor-General, both as respects matters with respect to which he is required by or under this Act to act in his discretion and as respects other matters, shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given by, the Secretary of State, but the validity of anything done by the Governor-General in Council or the Governor-General shall not be called in question on the ground that it was done otherwise than in accordance with the provisions of this subsection.

PART XIII. —*cont.*

(2) The Secretary of State shall not give any direction to the Governor-General in Council with respect to any grant or appropriation of any part of the revenues of the Governor-General in Council except with the concurrence of his advisers.

(3) While this Part of this Act is in operation, the advisers of the Secretary of State shall not be more than twelve, nor less than eight, in number, and, notwithstanding anything in Part XI of this Act with respect to their term of office, on the establishment of the Federation such of the advisers as the Secretary of State may direct shall cease to hold office.

Sterling loans.

315.—(1) While this Part of this Act is in operation, no sterling loans shall be contracted by the Governor-General in Council, but in lieu thereof, if provision is made in that behalf by an East India Loans Act of the Parliament of the United Kingdom, the Secretary of State may, within such limits as may be prescribed by the Act, contract such loans on behalf of the Governor-General in Council.

(2) The Secretary of State shall not exercise any such powers of borrowing as are mentioned in this section unless at a meeting of the Secretary of State and his advisers the borrowing has been approved by a majority of the persons present.

(3) There shall be inserted—

(*a*) in paragraph (*d*) of subsection (1) of section one of the Trustee Act, 1925, after the words "on the revenues of India"; and

(*b*) at the end of sub-paragraph (9) of paragraph (*a*) of section ten of the Trusts (Scotland) Act, 1921,

the words "or in any sterling loans raised by the " Secretary of State on behalf of the Governor-General of " India in Council under the provisions of Part XIII of " the Government of India Act, 1935."

(4) No deduction in respect of taxes imposed by or under any existing Indian law or any law of the Indian,

the Federal, or a Provincial Legislature shall be made, either before or after the establishment of the Federation, from any payment of principal or interest in respect of any loan contracted under this section.

(5) Any legal proceedings in respect of any loan raised under this section may, either before or after the establishment of the Federation, be brought in the United Kingdom against the Secretary of State, but nothing in this section shall be construed as imposing any liability on the Exchequer of the United Kingdom.

Legislature.

316. The powers conferred by the provisions of this Act for the time being in force on the Federal Legislature shall be exercisable by the Indian Legislature, and accordingly references in those provisions to the Federal Legislature and Federal Laws shall be construed as references to the Indian Legislature and laws of the Indian Legislature, and references in those provisions to Federal taxes shall be construed as references to taxes imposed by laws of the Indian Legislature:

Provided that nothing in this section shall empower the Indian Legislature to impose limits on the power of the Governor-General in Council to borrow money.

Continuance of certain provisions of Government of India Act.

317.—(1) The provisions of the Government of India Act set out, with amendments consequential on the provisions of this Act, in the Ninth Schedule to this Act (being certain of the provisions of that Act relating to the Governor-General, the Commander-in-Chief, the Governor-General's Executive Council and the Indian Legislature and provisions supplemental to those provisions) shall, subject to those amendments, continue to have effect notwithstanding the repeal of that Act by this Act:

Provided that nothing in the said provisions shall affect the provisions of the last but one preceding section.

(2) In the said provisions, the expression "this Act" means the said provisions.

PART XIII.—*cont.*

(3) The substitution in the said provisions of references to the Secretary of State for references to the Secretary of State in Council shall not render invalid anything done thereunder by the Secretary of State in Council before the commencement of Part III of this Act.

Provisions as to Federal Court and certain other Federal authorities.

318.—(1) Notwithstanding that the Federation has not yet been established, the Federal Court and the Federal Public Service Commission and the Federal Railway Authority shall come into existence and be known by those names, and shall perform in relation to British India the like functions as they are by or under this Act to perform in relation to the Federation when established.

(2) Nothing in this section affects any power of His Majesty in Council to fix a date later than the commencement of Part III of this Act for the coming into operation, either generally or for particular purposes, of any of the provisions of this Act relating to the Federal Court, the Federal Public Service Commission or the Federal Railway Authority.

Rights and liabilities of Governor-General in Council and Governor-General to continue after establishment of Federation.

319.—(1) Any rights acquired by, or liabilities incurred by or on behalf of, the Governor-General in Council or the Governor-General between the commencement of Part III of this Act and the establishment of the Federation shall, after the establishment of the Federation, be rights and liabilities of the Federation, and any legal proceedings pending at the establishment of the Federation by or against the Governor-General in Council or the Governor-General shall, after the establishment of the Federation, be continued by or against the Federation.

(2) The provisions of subsection (1) of this section shall apply in relation to rights and liabilities of the Secretary of State in Council which have, by virtue of the provisions of this Act, become rights or liabilities of the Governor-General in Council as they apply in relation to the rights and liabilities therein mentioned.

PART XIV.

COMMENCEMENT, REPEALS, &c.

320.—(1) Part II of this Act shall come into force on such date as His Majesty may appoint by the Proclamation establishing the Federation and the date so appointed is the date referred to in this Act as the date of the establishment of the Federation. Commencement.

(2) The remainder of this Act shall, subject to any express provision to the contrary, come into force on such date as His Majesty in Council may appoint and the said date is the date referred to in this Act as the commencement of Part III of this Act.

(3) If it appears to His Majesty in Council that it will not be practicable or convenient that all the provisions of this Act which are under the foregoing provisions of this section to come into force on a date therein mentioned should come into operation simultaneously on that date, His Majesty in Council may, notwithstanding anything in this section, fix an earlier or a later date for the coming into operation, either generally or for particular purposes, of any particular provisions of this Act.

321. The Government of India Act shall be repealed and the other Acts mentioned in the Tenth Schedule to this Act shall also be repealed to the extent specified in the third column of that Schedule: Repeals.

Provided that—

(*a*) nothing in this section shall affect the Preamble to the Government of India Act, 1919; 9 & 10 Geo. 5. c. 101.

(*b*) without prejudice to any other provisions of this Act, to the provisions of the Government of Burma Act, 1935, and to the provisions of the Interpretation Act, 1889, relating to the effect of repeals, this repeal shall not affect any appointment made under any enactment so repealed to any office, and any such appointment shall have effect as if it were an appointment to the corresponding office under this Act or the Government of Burma Act, 1935.

SCHEDULES.

Sections 5, 18, 308.

FIRST SCHEDULE.

COMPOSITION OF THE FEDERAL LEGISLATURE.

PART I.

REPRESENTATIVES OF BRITISH INDIA.

General Qualification for Membership.

1. A person shall not be qualified to be chosen as a representative of British India to fill a seat in the Federal Legislature unless he—

(*a*) is a British subject, or the Ruler or a subject of an Indian State which has acceded to the Federation; and

(*b*) is, in the case of a seat in the Council of State, not less than thirty years of age and, in the case of a seat in the Federal Assembly, not less than twenty-five years of age; and

(*c*) possesses such, if any, of the other qualifications specified in, or prescribed under, this Part of this Schedule as may be appropriate in his case:

Provided that the Ruler or a subject of an Indian State which has not acceded to the Federation—

(i) shall not be disqualified under sub-paragraph (*a*) of this paragraph to fill a seat allocated to a Province if he would be eligible to be elected to the Legislative Assembly of that Province; and

(ii) in such cases as may be prescribed, shall not be disqualified under the said sub-paragraph (*a*) to fill a seat allocated to a Chief Commissioner's Province.

2. Upon the expiration of the term for which he is chosen to serve as a member of the Federal Legislature, a person, if otherwise duly qualified, shall be eligible to be chosen to serve for a further term.

The Council of State.

1st Sch. —*cont.*

3. Of the one hundred and fifty-six seats in the Council of State to be filled by representatives of British India one hundred and fifty seats shall be allocated to the Governors' Provinces, the Chief Commissioners' Provinces and the Anglo-Indian, European and Indian Christian communities in the manner shown in division (i) of the relevant Table of Seats appended to this Part of this Schedule, and six seats shall be filled by persons chosen by the Governor-General in his discretion.

4. To each Governor's Province, Chief Commissioner's Province and community specified in the first column of division (i) of the Table there shall be allotted the number of seats specified in the second column opposite to that Province or community, and of the seats so allotted to a Governor's Province or a Chief Commissioner's Province, the number specified in the third column shall be general seats, the number specified in the fourth column shall be seats for representatives of the scheduled castes, the number specified in the fifth column shall be Sikh seats, the number specified in the sixth column shall be Muhammadan seats, and the number specified in the seventh column shall be seats reserved for women.

5. A Governor's Province or a Chief Commissioner's Province, exclusive of any portion thereof which His Majesty in Council may deem unsuitable for inclusion in any constituency or in any constituency of any particular class, shall be divided into territorial constituencies—

(*a*) for the election of persons to fill the general seats, if any;

(*b*) for the election of persons to fill the Sikh seats, if any; and

(*c*) for the election of persons to fill the Muhammadan seats, if any,

or, if as respects any class of constituency it is so prescribed, may form one territorial constituency.

To each territorial constituency of any class one or more seats of that class shall be assigned.

6.—(1) No person shall be entitled to vote at an election to fill a Sikh seat or a Muhammadan seat in the Council of State unless he is a Sikh or a Muhammadan, as the case may be.

(2) No person who is, or is entitled to be, included in the electoral roll for a territorial constituency in any Province for the election of persons to fill a Sikh seat or a Muhammadan seat

in the Council of State shall be entitled to vote at an election to fill a general seat therein allotted to that Province.

(3) No Anglo-Indian, European or Indian Christian shall be entitled to vote at an election to fill a general seat in the Council of State.

(4) Subject as aforesaid, the qualifications entitling persons to vote in territorial constituencies at elections of members of the Council of State shall be such as may be prescribed.

7. Nothing in the two last preceding paragraphs shall apply in relation to British Baluchistan, and a person to fill the seat in the Council of State allotted to that Province shall be chosen in such manner as may be prescribed.

8. In any Province to which a seat to be filled by a representative of the scheduled castes is allotted, a person to fill that seat shall be chosen by the members of those castes who hold seats in the Chamber or, as the case may be, either Chamber of the Legislature of that Province.

9. In any Province to which a seat reserved for women is allotted, a woman to fill that seat shall be chosen by the persons, whether men or women, who hold seats in the Chamber or, as the case may be, the Chambers of the Legislature of that Province.

10. Persons to fill the seats allotted to the Anglo-Indian, European and Indian Christian communities shall be chosen by the members of Electoral Colleges consisting of such Anglo-Indians, Europeans and Indian Christians, as the case may be, as are members of the Legislative Council of any Governor's Province or of the Legislative Assembly of any Governor's Province.

The Rules regulating the conduct of elections by the European Electoral College shall be such as to secure that on any occasion where more than one seat falls to be filled by the College no two of the seats to be then filled shall be filled by persons who are normally resident in the same Province.

11. A person shall not be qualified to hold a seat in the Council of State unless—

(*a*) in the case of a seat allotted to a Governor's Province or a Chief Commissioner's Province, he is qualified to vote in a territorial constituency in the Province at an election of a member of the Council of State, or, in the case of a seat allotted to British Baluchistan, possesses such qualifications as may be prescribed;

(*b*) in the case of a seat allotted to the Anglo-Indian, the European or the Indian Christian community, he possesses such qualifications as may be prescribed.

12. Subject to the provisions of the four next succeeding paragraphs, the term of office of a member of the Council of State shall be nine years : 1st Sch. —*cont.*

Provided that a person chosen to fill a casual vacancy shall be chosen to serve only for the remainder of his predecessor's term of office.

13. Upon the first constitution of the Council of State persons shall be chosen to fill all the seats allotted to Governors' Provinces, Chief Commissioners' Provinces and communities, but, for the purpose of securing that in every third year one-third of the holders of such seats shall retire, one-third of the persons first chosen shall be chosen to serve for three years only, one-third shall be chosen to serve for six years only and one-third shall be chosen to serve for nine years, and thereafter in every third year persons shall be chosen to fill for nine years the seats then becoming vacant in consequence of the provisions of this paragraph.

14. In the case of a Province specified in column one in division (ii) of the Table of Seats, the numbers specified as respects seats of different classes in columns two to six, in columns seven to eleven and in columns twelve to sixteen respectively shall be the numbers of the seats of the different classes to be filled upon the first constitution of the Council by members chosen to serve for three years only, by members chosen to serve for six years only, and by members chosen to serve for nine years.

15. The person chosen upon the first constitution of the Council to fill the Anglo-Indian seat shall be chosen to serve for nine years; of the seven persons then chosen to fill the European seats, three shall be chosen to serve for three years only, one shall be chosen to serve for six years only and three shall be chosen to serve for nine years; and, of the two persons then chosen to fill the Indian Christian seats, one shall be chosen to serve for three years only and one shall be chosen to serve for nine years.

16. Upon the first constitution of the Council of State two of the persons to be chosen by the Governor-General shall be chosen to serve for three years only, two shall be chosen to serve for six years only and two shall be chosen to serve for nine years.

The Federal Assembly.

17. The allocation of seats in the Federal Assembly, other than seats allotted to Indian States, shall be as shown in the relevant Table of Seats appended to this Part of this Schedule.

18. To each Governor's Province and Chief Commissioner's Province specified in the first column of the Table there shall be allotted the number of seats specified in the second column opposite to that Province, and of those seats—

(i) the number specified in the third column shall be general seats, of which the number specified in the fourth column shall be reserved for members of the scheduled castes;

(ii) the numbers specified in the next eight columns shall be the numbers of seats to be filled respectively by persons chosen to represent (*a*) the Sikh community; (*b*) the Muhammadan community; (*c*) the Anglo-Indian community; (*d*) the European community; (*e*) the Indian Christian community; (*f*) the interests of commerce and industry; (*g*) landholders; and (*h*) the interests of labour; and

(iii) the number specified in the thirteenth column shall be the number of seats reserved to women.

There shall also be in the Federal Assembly four seats not allotted to any Province, of which three shall be seats to be filled by representatives of commerce and industry and one shall be a seat to be filled by a representative of labour.

19. Subject to the provisions of the next succeeding paragraph, persons to fill the seats in the Federal Assembly allotted to a Governor's Province as general seats, Sikh seats or Muhammadan seats shall be chosen by electorates consisting of such of the members of the Legislative Assembly of the Province as hold therein general seats, Sikh seats or Muhammadan seats respectively, voting in the case of a general election in accordance with the principle of proportional representation by means of the single transferable vote:

Provided that in the North West Frontier Province the holders of Sikh seats, and in any Province in which seats are reserved for representatives of backward areas or backward tribes the holders of those seats, shall, for the purposes of this paragraph, be deemed to hold general seats.

20. The provisions of this paragraph shall have effect with respect to the general seats reserved in any Governors' Province for members of the scheduled castes:—

For the purposes of a general election of members of the Federal Assembly,—

(*a*) there shall be a primary electorate consisting of all persons who were successful candidates at the primary elections held, in accordance with the provisions of the Fifth Schedule to this Act, on the occasion of the last general election of members of the Legislative Assembly of the Province for the purpose of selecting candidates for seats reserved for members of the scheduled castes;

1st Sch. *—cont.*

(*b*) the members of the primary electorate so constituted shall be entitled to take part in a primary election held for the purpose of electing four candidates for each seat so reserved; and

(*c*) no person who is not so elected as a candidate shall be qualified to be chosen to fill such a seat.

Rules made under this Part of this Schedule shall make provision as to the manner in which a casual vacancy occurring in a seat to which this paragraph applies is to be filled.

21. For the purpose of choosing persons to fill the women's seats in the Federal Assembly there shall be for British India an electoral college consisting of such women as are members of the Legislative Assembly of any Governors' Province, and the person to fill a woman's seat allotted to any particular Province shall be chosen by the members of the college.

Rules regulating the conduct of elections by the women's electoral college shall be such as to secure that, of the nine women's seats allotted to Provinces, at least two are held by Muhammadans and at least one by an Indian Christian.

22. For the purpose of choosing persons to fill the Anglo-Indian, European and Indian Christian seats in the Federal Assembly, there shall be for British India three electoral colleges consisting respectively of such persons as hold an Anglo-Indian, a European or an Indian Christian seat in the Legislative Assembly of any Governors' Province, and the person to fill an Anglo-Indian, European or Indian Christian seat allotted to any particular Province shall be chosen by the members of the appropriate electoral college.

In choosing at a general election the persons to fill the Indian Christian seats allotted to the Province of Madras, the Indian Christian electoral college shall vote in accordance with the principle of proportional representation by means of the single transferable vote.

23. Persons to fill the seats in the Federal Assembly which are to be filled by representatives of commerce and industry, landholders and representatives of labour shall be chosen—

(*a*) in the case of a seat allotted to a Province which is to be filled by a representative of commerce and industry,

1st Sch. —*cont.*

by such chambers of commerce and similar associations voting in such manner as may be prescribed;

(*b*) in the case of a seat allotted to a Province which is to be filled by a landholder, by such persons voting in such territorial constituencies and in such manner as may be prescribed;

(*c*) in the case of a seat allotted to a Province which is to be filled by a representative of labour, by such organisations, or in such constituencies, and in accordance with such manner of voting as may be prescribed;

(*d*) in the case of one of the non-provincial seats which are to be filled by representatives of commerce and industry, by such Associated Chambers of Commerce, in the case of another such seat by such Federated Chambers of Commerce and in the case of the third such seat by such commercial bodies in Northern India, voting in each case in such manner as may be prescribed; and

(*e*) in the case of the non-provincial seat which is to be filled by a representative of labour, by such organisations voting in such manner as may be prescribed.

24. Persons to fill the seats in the Federal Assembly allotted to Chief Commissioners' Provinces as general seats or Muhammadan seats shall be chosen—

(*a*) in the case of Coorg, by the members of the Legislative Council; and

(*b*) in other cases in such manner as may be prescribed.

25. A person shall not be qualified to hold a seat in the Federal Assembly, unless—

(i) in the case of a general seat, a Sikh seat, a Muhammadan seat, an Anglo-Indian seat, a European seat, an Indian Christian seat or a woman's seat allotted to a Governor's Province or the Province of Coorg, he is qualified to hold a seat of the same class in the Legislative Assembly, or, in the case of Coorg, the Legislative Council, of that Province;

(ii) in the case of any other seat, he possesses such qualifications as may be prescribed.

General.

26.—(1) In the foregoing provisions of this Schedule the following expressions have the meanings hereby assigned to them, that is to say:—

"a European" means a person whose father or any of whose other male progenitors in the male line is or was of European descent and who is not a native of India;

1st Sch. —cont.

"an Anglo-Indian" means a person whose father or any of whose other male progenitors in the male line is or was of European descent but who is a native of India;

"an Indian Christian" means a person who professes any form of the Christian religion and is not a European or an Anglo-Indian;

"the scheduled castes" means such castes, races or tribes or parts of or groups within castes, races or tribes, being castes, races, tribes, parts or groups which appear to His Majesty in Council to correspond to the classes of persons formerly known as "the depressed classes", as His Majesty in Council may specify; and

"prescribed" means prescribed by His Majesty in Council or, so far as regards any matter which under this Act the Federal Legislature or the Governor-General are competent to regulate, prescribed by an Act of that Legislature or by a rule made under the next succeeding paragraph.

(2) In this paragraph the expression "native of India" has the same meaning as it had for the purposes of section six of the Government of India Act, 1870, and accordingly it includes any person born and domiciled within the dominions of His Majesty in India or Burma of parents habitually resident in India or Burma and not established there for temporary purposes only.

33 & 34 Vict. c. 3.

27. In so far as provision with respect to any matter is not made by this Act or by His Majesty in Council or, after the constitution of the Federal Legislature, by Act of that Legislature (where the matter is one with respect to which that Legislature is competent to make laws), the Governor-General, exercising his individual judgment, may make rules for carrying into effect the foregoing provisions of this part of this Schedule and for securing the due constitution of the Council of State and the Federal Assembly and, in particular, but without prejudice to the generality of the foregoing words, with respect to—

(i) the notification of vacancies, including casual vacancies and the proceedings to be taken for filling vacancies;

(ii) the nomination of candidates;

(iii) the conduct of elections, including the application to elections of the principle of proportional representation by means of the single transferable vote, and the

1st Sch. —*cont.*

rules to regulate elections where certain of the seats to be filled are to be filled by persons to be chosen to serve for different terms, or are reserved for members of the scheduled castes;

(iv) the expenses of candidates at elections;

(v) corrupt practices and other offences at or in connection with elections;

(vi) the decision of doubts and disputes arising out of or in connection with the choice of persons to fill seats in the Council of State or the Federal Assembly; and

(vii) the manner in which rules are to be carried into effect.

TABLE OF SEATS.

The Council of State.

Representatives of British India.

(i) *Allocation of seats.*

1. Province or Community.	2. Total seats.	3. General seats.	4. Seats for Scheduled Castes.	5. Sikh seats.	6. Muhammadan seats.	7. Women's seats.
Madras - - -	20	14	1	—	4	1
Bombay - - -	16	10	1	—	4	1
Bengal - - -	20	8	1	—	10	1
United Provinces -	20	11	1	—	7	1
Punjab - - -	16	3	—	4	8	1
Bihar - - -	16	10	1	—	4	1
Central Provinces and Berar - - -	8	6	1	—	1	—
Assam - - -	5	3	—	—	2	—
North West Frontier Province - -	5	1	—	—	4	—
Orissa - - -	5	4	—	—	1	—
Sind - - -	5	2	—	—	3	—
British Baluchistan -	1	—	—	—	1	—
Delhi - - -	1	1	—	—	—	—
Ajmer-Merwara -	1	1	—	—	—	—
Coorg - - -	1	1	—	—	—	—
Anglo-Indians -	1	—	—	—	—	—
Europeans - -	7	—	—	—	—	—
Indian Christians -	2	—	—	—	—	—
Totals - -	150	75	6	4	49	6

1st Sch.
—cont.

(ii) *Distribution of seats for purposes of triennial elections.*

1.	Number of seats to be filled originally for three years only.					Number of seats to be filled originally for six years only.					Number of seats to be filled originally for nine years.				
Province.	2. General Seats.	3. Seats for Scheduled castes.	4. Sikh Seats.	5. Muhammadan Seats.	6. Women's Seats.	7. General Seats.	8. Seats for Scheduled castes.	9. Sikh Seats.	10. Muhammadan Seats.	11. Women's Seats.	12. General Seats.	13. Seats for Scheduled castes.	14. Sikh Seats.	15. Muhammadan Seats.	16. Women's Seats.
Madras - -	—	—	—	—	—	7	—	—	2	1	7	1	—	2	—
Bombay - -	5	—	—	2	1	—	—	—	—	—	5	1	—	2	—
Bengal - -	4	1	—	5	—	—	—	—	—	—	4	—	—	5	1
United Provinces	5	1	—	3	1	6	—	—	4	—	—	—	—	—	—
Punjab - -	2	—	2	4	—	1	—	2	4	1	—	—	—	—	—
Bihar - - -	—	—	—	—	—	5	1	—	2	—	5	—	—	2	1
Central Provinces and Berar -	—	—	—	—	—	6	1	—	1	—	—	—	—	—	—
Assam - -	—	—	—	—	—	3	—	—	2	—	—	—	—	—	—
North West Frontier Province -	—	—	—	—	—	—	—	—	—	—	1	—	—	4	—
Orissa - - -	4	—	—	1	—	—	—	—	—	—	—	—	—	—	—
Sind - - -	2	—	—	3	—	—	—	—	—	—	—	—	—	—	—
British Baluchistan	—	—	—	—	—	—	—	—	—	—	—	—	—	1	—
Delhi - - -	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—
Ajmer-Merwara -	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—
Coorg - - -	—	—	—	—	—	—	—	—	—	—	1	—	—	—	—
Totals -	22	2	2	18	2	28	2	2	15	2	25	2	—	16	2

1ST SCH.
—*cont.*

TABLE OF SEATS.

The Federal Assembly.

Representatives of British India.

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.
		General Seats :—										
Province.	Total Seats.	Total of general Seats.	General seats reserved for Scheduled castes.	Sikh Seats.	Muhammadan Seats.	Anglo-Indian Seats.	European Seats.	Indian Christian Seats.	Seats for representatives of commerce and industry.	Landholders Seats.	Seats for representatives of labour.	Women's Seats.
Madras - - -	37	19	4	—	8	1	1	2	2	1	1	2
Bombay - - -	30	13	2	—	6	1	1	1	3	1	2	2
Bengal - - -	37	10	3	—	17	1	1	1	3	1	2	1
United Provinces -	37	19	3	—	12	1	1	1	—	1	1	1
Punjab - - -	30	6	1	6	14	—	1	1	—	1	—	1
Bihar - - -	30	16	2	—	9	—	1	1	—	1	1	1
Central Provinces and Berar.	15	9	2	—	3	—	—	—	—	1	1	1
Assam - - -	10	4	1	—	3	—	1	1	—	—	1	—
North West Frontier Province.	5	1	—	—	4	—	—	—	—	—	—	—
Orissa - - -	5	4	1	—	1	—	—	—	—	—	—	—
Sind - - -	5	1	—	—	3	—	1	—	—	—	—	—
British Baluchistan -	1	—	—	—	1	—	—	—	—	—	—	—
Delhi - - -	2	1	—	—	1	—	—	—	—	—	—	—
Ajmer-Merwara - -	1	1	—	—	—	—	—	—	—	—	—	—
Coorg - - -	1	1	—	—	—	—	—	—	—	—	—	—
Non-Provincial Seats -	4	—	—	—	—	—	—	—	3	—	1	—
Totals -	250	105	19	6	82	4	8	8	11	7	10	9

PART II.

REPRESENTATIVES OF INDIAN STATES.

1. The allocation to Indian States of seats in the Federal Legislature shall be as shown in the Table appended to this Part of this Schedule, hereinafter referred to as the "Table of Seats," and persons to represent Indian States in that Legislature shall be chosen and appointed in accordance with the provisions hereinafter contained.

2. In the case of the Council of State, there shall be allotted to each State or, as the case may be, to each group of States specified in the first column of the Table of Seats, the number of seats specified in the second column of the said Table opposite to that State or to that group of States.

3. In the case of the Federal Assembly, there shall be allotted to each State or, as the case may be, to each group of States specified in the third column of the Table of Seats, the number of seats specified in the fourth column of the said Table opposite to that State or to that group of States.

4. A person shall not be qualified to be appointed under this Part of this Schedule to fill a seat in either Chamber of the Federal Legislature unless he—

(i) is a British subject or the Ruler or a subject of an Indian State which has acceded to the Federation; and

(ii) is, in the case of a seat in the Council of State, not less than thirty years of age and, in the case of a seat in the Federal Assembly, not less than twenty-five years of age:

Provided that—

(*a*) the Governor-General may in his discretion declare as respects any State, the Ruler of which at the date of the establishment of the Federation was by reason of his minority not exercising ruling powers, that sub-paragraph (i) of this paragraph shall not apply to any named subject, or to subjects generally, of that State until that State comes under the rule of a Ruler who is of an age to exercise ruling powers; and

(*b*) sub-paragraph (ii) of this paragraph shall not apply to a Ruler who is exercising ruling powers.

5. Upon the expiration of the term for which he is appointed to serve as a member of the Federal Legislature, a person, if otherwise duly qualified, shall be eligible to be appointed to serve for a further term.

6. Subject to the special provisions hereinafter contained with respect to the appointment of persons to represent certain

1st Sch. —*cont.*

States and groups of States comprised in Divisions XVI and XVII of the Table of Seats,—

(i) the Rulers of States constituting a group of States to which a seat in the Council of State is allotted shall in rotation appoint a person to fill that seat; and

(ii) the Rulers of the States constituting a group of States to which a seat in the Federal Assembly is allotted shall appoint jointly a person to fill that seat:

Provided that the Rulers of two or more States entitled to appoint in rotation a person to fill a seat in the Council of State allotted to a group of States may by agreement, and with the approval of the Governor-General in his discretion, appoint jointly a person to fill that seat.

7. The period for which a person shall be appointed to fill a seat shall be—

(i) in the case of a person appointed to fill a seat in the Council of State—

(*a*) by the Ruler of a State entitled to separate representation, nine years;

(*b*) jointly by the Rulers of all the States in a group which have acceded to the Federation, three years;

(*c*) by the Ruler of a State appointing in rotation, one year subject, however, to the special provisions of the next succeeding paragraph with respect to certain States therein mentioned;

(*d*) jointly by Rulers of some only of the States in a group which have acceded to the Federation, a period equal to the aggregate of the periods for which each of them might in rotation have appointed a person to hold that seat or three years, whichever may be the shorter period;

(*e*) in any other manner, three years; and

(ii) in the case of a person appointed to fill a seat in the Federal Assembly, until the dissolution of the Assembly:

Provided that—

(i) a person appointed to fill a seat upon the occurrence of a casual vacancy shall be appointed to fill that seat for the remainder of the period for which his predecessor was appointed;

(ii) in the case of first appointments to fill seats in the Council of State the Governor-General in his discretion shall make by order provision for securing that approximately one-third of the persons appointed by Rulers entitled to separate representation shall be appointed to fill seats for three years only, approximately one-third to fill seats for six years only and approximately one-third to fill seats for nine years.

1st Sch. —*cont.*

8. The Ruler of a State mentioned in this paragraph when appointing in rotation a person to fill a seat in the Council of State shall, notwithstanding anything in the preceding paragraph, be entitled to appoint that person to fill the seat—

(*a*) in the case of the Rulers of Panna and of Mayurbhanj, for two years; and

(*b*) in the case of the Ruler of Pudukkottai, for three years.

9. Subject as hereinafter provided, the Rulers of two or more States forming a group to which one seat in either Chamber of the Federal Legislature is allotted shall, in choosing a person to be appointed by them jointly to fill that seat, each have one vote, and in the case of an equality of votes the choice shall be determined by lot or otherwise in such other manner as may be prescribed:

Provided that in choosing a person to be so appointed the Ruler of a State mentioned in sub-paragraph (*a*) of the preceding paragraph shall be entitled to two votes and the Ruler of the State mentioned in sub-paragraph (*b*) of that paragraph shall be entitled to three votes.

10. A seat in either Chamber allotted to a single State shall remain unfilled until the Ruler of that State has acceded to the Federation, and a seat in either Chamber which is the only seat therein allotted to a group of States shall remain unfilled until the Rulers of at least one-half of those States have so acceded but, subject as hereinafter provided, so long as one-tenth of the seats in either Chamber allotted either to single States or to groups of States remain unfilled by reason of the non-accession of a State or States, whether such non-accession be due to the minority of a Ruler or to any other cause, the persons appointed by the Rulers of States to fill seats in that Chamber may from time to time in the prescribed manner appoint persons, not exceeding one-half of the number of seats so unfilled to be additional members of that Chamber:

Provided that the right to appoint such additional members shall not be exercised after the expiration of twenty years from the establishment of the Federation.

A person appointed under this paragraph as an additional member of either Chamber shall be appointed to fill his seat for a period of one year only.

11. Persons to fill the seats in the Federal Assembly allotted to any group of States mentioned in Division XVI of the Table of Seats as entitled to appoint persons to fill three such seats shall be appointed in the prescribed manner by the Rulers of such of the States in the group as have acceded to the Federation:

1st Sch. —*cont.*

Provided that—

(*a*) until the Rulers of two of those States have so acceded, all the three seats shall remain unfilled; and

(*b*) until the Rulers of four of those States have so acceded, two of the three seats shall remain unfilled; and

(*c*) until the Rulers of six of those States have so acceded, one of the three seats shall remain unfilled.

Seats in the Federal Assembly remaining unfilled by reason of the provisions of this paragraph shall be treated as seats remaining unfilled for the purposes of the last preceding paragraph.

12. The provisions of this paragraph shall apply with respect to the two seats in the Council of State and the five seats in the Federal Assembly allotted to the States comprised in Division XVII of the Table of Seats:—

(*a*) the States in question are such States, being States which on the first day of January, nineteen hundred and thirty-five, were included in the Western India States Agency, the Gujarat States Agency, the Deccan States Agency, the Eastern States Agency, the Central India Agency or the Rajputana Agency, or were in political relations with the Government of the Punjab or the Government of Assam, as may be enumerated in rules made by the Governor-General in his discretion;

(*b*) the Governor-General shall, in the rules so made by him, divide the said States into five groups, and of the five seats in the Federal Assembly allotted to those States one shall be deemed to be allotted to each of the groups;

(*c*) a seat in the Federal Assembly allotted to one of the said groups shall remain unfilled until the Rulers of at least one-half of the States in the group have acceded to the Federation, but, save as aforesaid, a person to fill such a seat shall be appointed in the prescribed manner by the Rulers of such of the States in the group as have acceded to the Federation;

(*d*) persons to fill the two seats in the Council of State allotted to the States comprised in the said Division shall be appointed in the prescribed manner by the persons appointed under the preceding sub-paragraph to fill seats in the Federal Assembly:

Provided that, so long as three of the five seats in the Federal Assembly remain unfilled, one of the two seats in the Council of State shall also remain unfilled;

(*e*) seats in the Federal Assembly or Council of State remaining unfilled by reason of the provisions of this paragraph shall be treated as seats remaining unfilled for the purposes of the last but one preceding paragraph.

1st Sch.—*cont.*

13. His Majesty in Council may by order vary the Table of Seats by transferring any State from one group of States specified in column one or column three of that Table to another group of States specified in the same column, if he deems it expedient so to do—

(*a*) with a view to reducing the number of seats which by reason of the non-accession of a State or States would otherwise remain unfilled; or

(*b*) with a view to associating in separate groups States whose rulers do, and States whose rulers do not, desire to make appointments jointly instead of in rotation,

and is satisfied that such variation will not adversely affect the rights and interest of any State:

Provided that a State mentioned in paragraph eight of this Part of this Schedule shall not be transferred to another group unless the Ruler of the State has agreed to relinquish the privileges enjoyed by him under the said paragraph and under paragraph nine.

Where an order varying the Table of Seats is made under this paragraph, references (whether express or implied) in the foregoing provisions of this Part of this Schedule to the Table shall be construed as references to the Table as so varied.

14. In so far as provision in that behalf is not made by His Majesty in Council, the Governor-General may in his discretion make rules for carrying into effect the provisions of this Part of this Schedule and in particular, but without prejudice to the generality of the foregoing words, with respect to—

(*a*) the times at which and the manner in which appointments are to be made, the order in which Rulers entitled to make appointments in rotation are to make them and the date from which appointments are to take effect;

(*b*) the filling of casual vacancies in seats;

(*c*) the decision of doubts or disputes arising out of or in connection with any appointment; and

(*d*) the manner in which the rules are to be carried into effect.

In this Part of this Schedule the expression "prescribed" means prescribed by His Majesty in Council or by rules made under this paragraph.

15. For the purposes of subsection (2) of section five of this Act—

(i) if the Rulers of at least one-half of the States included in any group to which one seat in the Council of State is allotted accede to the Federation, the Rulers so acceding shall be reckoned as being entitled together to choose one member of the Council of State;

(ii) if, of the Rulers of States included in the groups to be formed out of the States comprised in Division

1st Sch. —*cont.*

XVII of the Table of Seats, sufficient accede to the Federation to entitle them to appoint one member or two members of the Federal Assembly, the Rulers so acceding shall be reckoned as being entitled together to choose one member of the Council of State and, if sufficient accede to entitle them to appoint three or more members of the Federal Assembly, the Rulers so acceding shall be reckoned as being entitled together to choose two members of the Council of State; and

(iii) the population of a State shall be taken to be the population attributed thereto in column five of the Table of Seats or, if it is one of the States comprised in the said Division XVII of the Table, such figure as the Governor-General may in his discretion determine, and the total population of the States shall be taken to be the total population thereof as stated at the end of the Table.

TABLE OF SEATS.

The Council of State and the Federal Assembly.

Representatives of Indian States.

1. States and Groups of States.	2. Number of seats in Council of State.	3. States and Groups of States.	4. Number of seats in the Federal Assembly.	5. Population.
		DIVISION I.		
Hyderabad - -	5	Hyderabad - -	16	14,436,148
		DIVISION II.		
Mysore - - -	3	Mysore - - -	7	6,557,302
		DIVISION III.		
Kashmir - -	3	Kashmir - -	4	3,646,243
		DIVISION IV.		
Gwalior - -	3	Gwalior - -	4	3,523,070
		DIVISION V.		
Baroda - - -	3	Baroda - - -	3	2,443,007

1st Sch. —*cont.*

1. States and Groups of States.	2. Number of seats in Council of State.	3. States and Groups of States.	4. Number of seats in the Federal Assembly.	5. Population.
		DIVISION VI.		
Kalat	2	Kalat	1	342,101
		DIVISION VII.		
Sikkim	1	Sikkim	—	109,808
		DIVISION VIII.		
1. Rampur	1	1. Rampur	1	465,225
2. Benares	1	2. Benares	1	391,272
		DIVISION IX.		
1. Travancore	2	1. Travancore	5	5,095,973
2. Cochin	2	2. Cochin	1	1,205,016
3. Pudukkottai	1	3. Pudukkottai	1	400,694
Banganapalle		Banganapalle		39,218
Sandur		Sandur		13,583
		DIVISION X.		
1. Udaipur	2	1. Udaipur	2	1,566,910
2. Jaipur	2	2. Jaipur	3	2,631,775
3. Jodhpur	2	3. Jodhpur	2	2,125,982
4. Bikaner	2	4. Bikaner	1	936,218
5. Alwar	1	5. Alwar	1	749,751
6. Kotah	1	6. Kotah	1	685,804
7. Bharatpur	1	7. Bharatpur	1	486,954
8. Tonk	1	8. Tonk	1	317,360
9. Dholpur	1	9. Dholpur	1	254,986
10. Karauli	1	Karauli		140,525
11. Bundi	1	10. Bundi	1	216,722
12. Sirohi	1	Sirohi		216,528
13. Dungarpur	1	11. Dungarpur	1	227,544
14. Banswara	1	Banswara		260.670
15. Partabgarh	1	12. Partabgarh	1	76,539
Jhalawar-		Jhalawar-		107,890
16. Jaisalmer	1	13. Jaisalmer	1	76,255
Kishengarh		Kishengarh		85,744

1st Sch. —*cont.*

1. States and Groups of States.	2. Number of seats in Council of State.	3. States and Groups of States.	4. Number of seats in the Federal Assembly.	5. Population.
		Division XI.		
1. Indore	2	1. Indore	2	1,325,089
2. Bhopal	2	2. Bhopal	1	729,955
3. Rewa	2	3. Rewa	2	1,587,445
4. Datia	1	4. Datia	1	158,834
5. Orchha	1	Orchha		314,661
6. Dhar	1	5. Dhar	1	243,430
7. Dewas (Senior)	1	Dewas (Senior)		83,321
Dewas (Junior)		Dewas (Junior)		70,513
8. Jaora	1	6. Jaora	1	100,166
Ratlam		Ratlam		107,321
9. Panna	1	7. Panna	1	212,130
Samthar		Samthar		33,307
Ajaigarh		Ajaigarh		85,895
10. Bijawar	1	8. Bijawar	1	115,852
Charkhari		Charkhari		120,351
Chhatarpur		Chhatarpur		161,267
11. Baoni	1	9. Baoni	1	19,132
Nagod		Nagod		74,589
Maihar		Maihar		68,991
Baraundha		Baraundha		16,071
12. Barwani	1	10. Barwani	1	141,110
Ali Rajpur		Ali Rajpur		101,963
Shahpura		Shahpura		54,233
13. Jhabua	1	11. Jhabua	1	145,522
Sailana		Sailana		35,223
Sitamau		Sitamau		28,422
14. Rajgarh	1	12. Rajgarh	1	134,891
Narsingarh		Narsingarh		113,873
Khilchipur		Khilchipur		45,583
		Division XII.		
1. Cutch	1	1. Cutch	1	514,307
2. Idar	1	2. Idar	1	262,660
3. Nawanagar	1	3. Nawanagar	1	409,192
4. Bhavnagar	1	4. Bhavnagar	1	500,274
5. Junagadh	1	5. Junagadh	1	545,152
6. Rajpipla	1	6. Rajpipla	1	206,114
Palanpur		Palanpur		264,179
7. Dhrangadhra	1	7. Dhrangadhra	1	88,961
Gondal		Gondal		205,846
8. Porbandar	1	8. Porbandar	1	115,673
Morvi		Morvi		113,023

1ST SCH. —*cont.*

1. States and Groups of States.	2. Number of seats in Council of State.	3. States and Groups of States.	4. Number of seats in the Federal Assembly.	5. Population.
		DIVISION XII.—*cont.*		
9. Radhanpur	1	9. Radhanpur	1	70,530
Wankaner		Wankaner		44,259
Palitana		Palitana		62,150
10. Cambay	1	10. Cambay	1	87,761
Dharampur		Dharampur		112,031
Balasinor		Balasinor		52,525
11. Baria	1	11. Baria	1	159,429
Chhota Udepur		Chhota Udepur		144,640
Sant		Sant		83,531
Lunawada		Lunawada		95,162
12. Bansda	1	12. Bansda	1	48,839
Sachin		Sachin		22,107
Jawhar		Jawhar		57,261
Danta		Danta		26,196
13. Dhrol	1	Dhrol		27,639
Limbdi		Limbdi		40,088
Wadhwan		Wadhwan		42,602
Rajkot		Rajkot		75,540
		DIVISION XIII.		
1. Kolhapur	2	1. Kolhapur	1	957,137
2. Sangli	1	2. Sangli	1	258,442
Savantvadi		Savantvadi		230,589
3. Janjira	1	3. Janjira	1	110,379
Mudhol		Mudhol		62,832
Bhor		Bhor		141,546
4. Jamkhandi	1	4. Jamkhandi	1	114,270
Miraj (Senior)		Miraj (Senior)		93,938
Miraj (Junior)		Miraj (Junior)		40,684
Kurundwad (Senior).		Kurundwad (Senior).		44,204
Kurundwad (Junior).		Kurundwad (Junior).		39,583
5. Akalkot	1	5. Akalkot	1	92,605
Phaltan		Phaltan		58,761
Jath		Jath		91,099
Aundh		Aundh		76,507
Ramdurg		Ramdurg		35,454

1ST SCH. —*cont.*

1. States and Groups of States.	2. Number of seats in Council of State.	3. States and Groups of States.	4. Number of seats in the Federal Assembly.	5. Population.
DIVISION XIV.				
1. Patiala	2	1. Patiala	2	1,625,520
2. Bahawalpur	2	2. Bahawalpur	1	984,612
3. Khairpur	1	3. Khairpur	1	227,183
4. Kapurthala	1	4. Kapurthala	1	316,757
5. Jind	1	5. Jind	1	324,676
6. Nabha	1	6. Nabha	1	287,574
		7. Tehri-Garhwal	1	349,573
7. Mandi	1	8. Mandi	1	207,465
Bilaspur		Bilaspur		100,994
Suket		Suket		58,408
8. Tehri-Garhwal	1			
Sirmur		9. Sirmur	1	148,568
Chamba		Chamba		146,870
9. Faridkot	1	10. Faridkot	1	164,364
Malerkotla		Malerkotla		83,072
Loharu		Loharu		23,338
DIVISION XV.				
1. Cooch Behar	1	1. Cooch Behar	1	590,886
		2. Tripura	1	382,450
2. Tripura	1	3. Manipur	1	445,606
Manipur				
DIVISION XVI.				
1. Mayurbhanj	1	1. Mayurbhanj	1	889,603
Sonepur		2. Sonepur	1	237,920
2. Patna	1	3. Patna	1	566,924
Kalahandi		4 Kalahandi	1	513,716
3. Keonjhar	1	5. Keonjhar	1	460,609
Dhenkanal		6. Gangpur	1	356,674
Nayagarh		7. Bastar	1	524,721
Talcher		8. Surguja	1	501,939
Nilgiri				

1st Sch. —*cont.*

1. States and Groups of States.	2. Number of seats in Council of State.	3. States and Groups of States.	4. Number of seats in the Federal Assembly.	5. Population.
		Division XVI.—*cont.*		
4. Gangpur - -	1	9. Dhenkanal -	3	284,326
Bamra - -		Nayagarh -		142,406
Seraikela -		Seraikela -		143,525
Baud - -		Baud - -		135,248
Bonai - -		Talcher - -		69,702
5. Bastar - -	1	Bonai - -		80,186
Surguja - -		Nilgiri - -		68,594
Raigarh - -		Bamra - -		151,047
Nandgaon -				
		10. Raigarh - -	3	277,569
6. Khairagarh -	1	Khairagarh -		157,400
Jashpur - -		Jashpur - -		193,698
Kanker - -		Kanker - -		136,101
Korea - -		Sarangarh -		128,967
Sarangarh -		Korea - -		90,886
		Nandgaon -		182,380
		Division XVII.		
States not mentioned in any of the preceding Divisions, but described in paragraph 12 of this Part of this Schedule.	2	States not mentioned in any of the preceding Divisions, but described in paragraph 12 of this Part of this Schedule.	5	3,032,197

Total population of the States in this Table : 78,981,912

Section 6.

SECOND SCHEDULE.

PROVISIONS OF THIS ACT WHICH MAY BE AMENDED WITHOUT AFFECTING THE ACCESSION OF A STATE.

Part I, in so far as it relates to the Commander-in-Chief.

Part II, chapter II, save with respect to the exercise by the Governor-General on behalf of His Majesty of the executive authority of the Federation, and the definition of the functions of the Governor-General; the executive authority of the Federation; the functions of the council of ministers, and the choosing and summoning of ministers and their tenure of office; the power of the Governor-General to decide whether he is entitled to act in his discretion or exercise his individual judgment; the functions of the Governor-General with respect to external affairs and defence; the special responsibilities of the Governor-General relating to the peace or tranquillity of India or any part thereof, the financial stability and credit of the Federal Government, the rights of Indian States and the rights and dignity of their Rulers, and the discharge of his functions by or under the Act in his discretion or in the exercise of his individual judgment; His Majesty's Instrument of Instructions to the Governor-General; the superintendence of the Secretary of State; and the making of rules by the Governor-General in his discretion for the transaction of, and the securing of transmission to him of information with respect to, the business of the Federal Government.

" chapter III, save with respect to the number of the representatives of British India and of the Indian States in the Council of State

Part II, chapter III. —*cont.*

and the Federal Assembly and the manner in which the representatives of the Indian States are to be chosen; the disqualifications for membership of a Chamber of the Federal Legislature in relation to the representatives of the States; the procedure for the introduction and passing of Bills; joint sittings of the two Chambers; the assent to Bills, or the withholding assent from Bills, by the Governor-General; the reservation of Bills for the signification of His Majesty's pleasure; the annual financial statement; the charging on the revenues of the Federation of the salaries allowances and pensions payable to or in respect of judges of the Federal Court, of expenditure for the purpose of the discharge by the Governor-General of his functions with respect to external affairs, defence, and the administration of any territory in the direction and control of which he is required to act in his discretion and of the sums payable to His Majesty in respect of the expenses incurred in discharging the functions of the Crown in its relations with Indian States; the procedure with respect to estimates and demands for grants; supplementary financial statements; the making of rules by the Governor-General for regulating the procedure of, and the conduct of business in, the Legislature in relation to matters where he acts in his discretion or exercises his individual judgment, and for prohibiting the discussion of, or the asking of questions on, any matter connected with or the personal conduct of the Ruler or ruling family of any Indian State; the making of rules by the Governor-General as to the procedure with respect to joint sittings of, and communications between, the two chambers and the protection of judges of the Federal Court and State High Courts from discussion in the Legislature of their conduct.

2nd Sch. —*cont.*

2nd Sch. —*cont.*

Part II,	chapter IV,	save with respect to the power of the Governor-General to promulgate ordinances in his discretion or in the exercise of his individual judgment, or to enact Governor-General's Acts.
Part III,	chapter I.	The whole chapter.
,,	chapter II,	save with respect to the special responsibilities of the Governor relating to the rights of Indian States and the rights and dignity of the Rulers thereof and to the execution of orders or directions of the Governor-General, and the superintendence of the Governor-General in relation to those responsibilities.
,,	chapter III,	save with respect to the making of rules by the Governor for prohibiting the discussion of, or the asking of questions on, any matter connected with or the personal conduct of the Ruler or ruling family of any Indian State, and the protection of judges of the Federal Court and State High Courts from discussion in the Legislature of their conduct.
,,	chapter IV.	The whole chapter.
,,	chapter V.	,,
,,	chapter VI.	,,
Part IV.		The whole Part.
Part V,	chapter I,	save with respect to the power of the Federal Legislature to make laws for a State; the power of the Governor-General to empower either the Federal Legislature or Provincial Legislature to enact a law with respect to any matter not enumerated in any of the Lists in the Seventh Schedule to this Act; any power of a State to repeal a Federal law, and the effect of inconsistencies between a Federal law and a State law.
,,	chapter II,	save with respect to the previous sanction of the Governor-General to the introduction or moving of any Bill or amendment affecting matters as respects which the Governor-General is required to act in his discretion; the power

Part V, chapter II. *—cont.*	of Parliament to legislate for British India or any part thereof, or the restrictions on the power of the Federal Legislature and of Provincial Legislatures to make laws on certain matters.
Part V, chapter III.	The whole chapter.
Part VI,	save in so far as the provisions of that Part relate to Indian States, or empower the Governor-General to issue orders to the Governor of a Province for preventing any grave menace to the peace or tranquillity of India or any part thereof.
Part VII, chapter I,	in so far as it relates to Burma.
,, chapter II,	save with respect to loans and guarantees to Federated States and the appointment, removal and conditions of service of the Auditor-General.
,, chapter III,	save in so far as it affects suits against the Federation by a Federated State.
Part VIII,	save with respect to the constitution and functions of the Federal Railway Authority; the conduct of business between the Authority and the Federal Government, and the Railway Tribunal and any matter with respect to which it has jurisdiction.
Part IX, chapter I,	in so far as it relates to appeals to the Federal Court from High Courts in British India; the power of the Federal Legislature to confer further powers upon the Federal Court for the purpose of enabling it more effectively to exercise the powers conferred upon it by this Act.
,, chapter II.	The whole chapter.
Part X,	save with respect to the eligibility of Rulers and subjects of Federated States for civil Federal office.
Part XI.	The whole Part.
Part XII,	save with respect to the saving for rights and obligations of the Crown in its relations with Indian States; the use of His Majesty's forces in connection with the discharge of the functions of

2ND SCH. —*cont.*

Part XII—*cont.*	the Crown in its said relations; the limitation in relation to Federated States of His Majesty's power to adapt and modify existing Indian laws; His Majesty's powers and jurisdiction in Federated States, and resolutions of the Federal Legislature or any Provincial Legislature recommending amendments of this Act or Orders in Council made thereunder; and save also the provisions relating to the interpretation of this Act so far as they apply to provisions of this Act which may not be amended without affecting the accession of a State.
Part XIII.	The whole Part.
First Schedule.	The whole Schedule, except Part II thereof.
Third Schedule.	The whole Schedule.
Fourth Schedule,	save with respect to the oath or affirmation to be taken or made by the Ruler or subject of an Indian State.
Fifth Schedule.	The whole Schedule.
Sixth Schedule.	”
Seventh Schedule.	Any entry in the Legislative Lists in so far as the matters to which it relates have not been accepted by the State in question as matters with respect to which the Federal Legislature may make laws for that State.
Eighth Schedule.	The whole Schedule.
Ninth Schedule.	”
Tenth Schedule.	”

THIRD SCHEDULE.

Sections 7, 48.

PROVISIONS AS TO GOVERNOR-GENERAL AND GOVERNORS OF PROVINCES.

1. There shall be paid to the Governor-General and to the Governors of the Provinces the following annual salaries, that is to say :—

The Governor-General - - - -	250,800 rupees
The Governor of Madras - - - -	120,000 rupees
The Governor of Bombay - - - -	
The Governor of Bengal - - - -	
The Governor of the United Provinces -	
The Governor of the Punjab - - -	100,000 rupees
The Governor of Bihar - - - -	
The Governor of the Central Provinces and Berar - - - - - - -	72,000 rupees
The Governor of Assam - - - -	66,000 rupees.
The Governor of the North West Frontier Province - - - - - -	
The Governor of Orissa - - - -	
The Governor of Sind - - - -	

2. There shall be paid to the Governor-General and to the Governors such allowances for expenses in respect of equipment and travelling upon appointment and such allowances during their terms of office as may from time to time be fixed by His Majesty in Council, and such provision shall be made for enabling the Governor-General and the Governors to discharge conveniently and with dignity the duties of their offices as may be determined by His Majesty in Council.

3. While the Governor-General or a Governor is absent on leave, he shall in lieu of his salary be entitled to such leave allowance as may be fixed by His Majesty in Council.

4. There shall be granted to and in respect of the Governor-General and the Governor of every Province such customs privileges as may be specified by Order in Council.

5. While any person appointed by His Majesty to act as Governor-General or as a Governor is so acting, he shall be entitled to the same salary and, save as may be otherwise provided by His Majesty in Council, the same allowances and privileges as the Governor-General or that Governor.

6. Any sums required to give effect to the provisions of this Schedule shall, in the case of the Governor-General or a person acting as such, be paid out of and charged on the revenues of the Federation and, in the case of a Governor or a person acting as such, be paid out of and charged on the revenues of the Province.

FOURTH SCHEDULE.

Sections 24, 67, 200, 220.

FORMS OF OATHS OR AFFIRMATIONS.

1.

Form of oath or affirmation to be taken or made by a member of a Legislature who is a British subject :—

> "I, A.B., having been elected [*or* nominated *or* appointed] a member of this Council [*or* Assembly], do solemnly swear [*or* affirm] that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter."

2.

Form of oath or affirmation to be taken or made by a member of a Legislature who is the Ruler of an Indian State :—

> "I, A.B., having been elected [*or* nominated *or* appointed] a member of this Council [*or* Assembly], do solemnly swear [*or* affirm] that I will be faithful and bear true allegiance in my capacity as Member of this Council [*or* Assembly] to His Majesty the King, Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter."

3.

Form of oath or affirmation to be taken or made by a member of a Legislature who is a subject of the Ruler of an Indian State :—

> "I, A.B., having been elected [*or* nominated *or* appointed] a member of this Council [*or* Assembly], do solemnly swear [*or* affirm] that, saving the faith and allegiance which I owe to C.D., his heirs and successors, I will be faithful and bear true allegiance in my capacity as Member of this Council [*or* Assembly] to His Majesty the King, Emperor of India, His heirs and successors, and that I will faithfully discharge the duty upon which I am about to enter."

4.

Form of judicial oath or affirmation to be taken or made by a British subject :—

> "I, A.B., having been appointed Chief Justice [*or* a judge] of the   Court do solemnly swear [*or* affirm] that I will be faithful and bear true allegiance to His Majesty the King, Emperor of India, His heirs and

successors and that I will faithfully perform the duties of my office to the best of my ability, knowledge and judgment." 4th Sch. —*cont.*

5.

Form of judicial oath or affirmation to be taken or made by a subject of the Ruler of an Indian State :—

> " I, A.B., having been appointed Chief Justice [*or* a judge] of the   Court do solemnly swear [*or* affirm] that saving the faith and allegiance which I owe to C.D., his heirs and successors, I will be faithful and bear true allegiance in my judicial capacity to His Majesty the King, Emperor of India, His heirs and successors, and that I will faithfully perform the duties of my office to the best of my ability, knowledge and judgment."

FIFTH SCHEDULE.

Section 61.

Composition of Provincial Legislatures.

General Qualification for Membership.

1. A person shall not be qualified to be chosen to fill a seat in a Provincial Legislature unless he—

(*a*) is a British subject or the Ruler or a subject of an Indian State which has acceded to the Federation or, if it is so prescribed with respect to any Province, the Ruler or a subject of any prescribed Indian State; and

(*b*) is, in the case of a seat in a Legislative Assembly, not less than twenty-five years of age, and in the case of a seat in a Legislative Council, not less than thirty years of age; and

(*c*) possesses such, if any, of the other qualifications specified in, or prescribed under, this Schedule as may be appropriate in his case.

2. Upon the expiration of the term for which he is chosen to serve as a member of a Provincial Legislature, a person, if otherwise duly qualified, shall be eligible to be chosen to serve for a further term.

Legislative Assemblies.

3. The allocation of seats in Provincial Legislative Assemblies shall be as shown in the relevant Table of Seats appended to this Schedule.

5TH SCH. —*cont.*

4. In the Legislative Assembly of each Province specified in the first column of the Table of Seats there shall be the number of seats specified in the second column opposite to that Province, and of those seats—

(i) the number specified in the third column shall be general seats, of which the number specified in the fourth column shall be reserved for members of the scheduled castes and, in the case of Bombay, seven shall be reserved for Marathas;

(ii) the numbers specified in the next ten columns shall be the numbers of seats to be filled by persons chosen to represent respectively—(*a*) backward areas and backward tribes; (*b*) the Sikh community; (*c*) the Muhammadan community; (*d*) the Anglo-Indian community; (*e*) the European community; (*f*) the Indian Christian community; (*g*) the interests of commerce, industry, mining and planting; (*h*) landholders; (*i*) universities; and (*j*) the interests of labour; and

(iii) the numbers specified in the last five columns shall be the numbers of seats (being either general seats, Sikh seats, Muhammadan seats, Anglo-Indian seats or Indian Christian seats) reserved for women.

In the Punjab one of the landholders' seats shall be a seat to be filled by a Tumandar.

5. A Province, exclusive of any portion thereof which His Majesty in Council may deem unsuitable for inclusion in any constituency or in any constituency of any particular class, shall be divided into territorial constituencies—

(i) for the election of persons to fill the general seats;

(ii) for the election of persons to fill the Sikh seats, if any;

(iii) for the election of persons to fill the Muhammadan seats;

(iv) for the election of persons to fill the Anglo-Indian seats, if any;

(v) for the election of persons to fill the European seats, if any; and

(vi) except in the case of Bihar, for the election of persons to fill the Indian Christian seats, if any,

or, if as respects any class of constituency it is so prescribed, may form one territorial constituency.

In the case of each such class of constituency as aforesaid the total number of seats available shall be distributed between the constituencies by the assignment of one or more of those seats to each constituency.

6. The required number of general seats to be reserved for members of the scheduled castes, and in the Province of Bombay for Marathas, shall be reserved by reserving for members of those castes or, as the case may be, for Marathas one or more seats in each of so many of the general territorial constituencies as may be necessary, so, however, that in each such constituency there shall be at least one unreserved seat.

7. In a province in which any general seats are reserved for members of the scheduled castes, all members of those castes who are entitled to vote in a constituency in which any seat is so reserved shall be entitled to take part in a primary election held for the purpose of electing four candidates for each seat so reserved, and no member of those castes not elected as a candidate at such an election shall be qualified to hold—

(*a*) a seat so reserved in that constituency;

(*b*) if it is so prescribed as respects that Province, any seat in that constituency.

In relation to bye-elections this paragraph shall have effect with such adaptations and modifications as may be prescribed.

8. The persons to fill the seats specified in columns fifteen to nineteen of the Table of Seats as seats to be filled by women shall be chosen in territorial constituencies, which shall be either—

(*a*) constituencies formed under paragraph five of this Schedule; or

(*b*) constituencies specially formed for the purpose of electing women members.

9. The provisions of the Sixth Schedule to this Act shall have effect with respect to the persons who are entitled to vote at elections in the territorial constituencies mentioned in paragraphs five and eight of this Schedule.

10. In a Province in which any seats are to be filled by representatives of backward areas or backward tribes, representatives of commerce, industry, mining and planting, representatives of landholders, representatives of universities or representatives of labour, persons to fill those seats, and in Bihar the person to fill the Indian Christian seat, shall be chosen in such manner as may be prescribed:

Provided that in a Province in which any seats are to be filled by representatives of backward areas or backward tribes some or all of those seats may, if it is so prescribed, be treated in the prescribed manner as additional general seats to be reserved for representatives of such areas or tribes.

5TH SCH. —*cont.*

11. In the Punjab the landholder's seat to be filled by a Tumandar shall be assigned to such constituency as may be prescribed.

12. A person shall not be qualified to hold a seat in the Legislative Assembly of a Province unless—

(*a*) in the case of a seat to be filled by a woman, by a European, by an Indian Christian, by a representative of backward areas or backward tribes, by a representative of commerce, industry, mining and planting, by a representative of universities or by a representative of labour, he possesses such qualifications as may be prescribed; and

(*b*) in the case of any other seat, he is entitled to vote in the choice of a member to fill that seat or any other seat of a similar class in that Province.

Legislative Councils.

13. The allocation of seats in the Legislative Councils of Provinces having such Councils shall be as shown in the relevant Table of Seats appended to this Schedule.

14. In the Legislative Council of each Province specified in the first column of the Table of Seats there shall be the number of seats specified in the second column opposite to that Province, and of those seats—

(*a*) the number specified in the third column shall be general seats;

(*b*) the numbers specified in the fourth, fifth and sixth columns shall be seats to be filled by persons chosen to represent respectively the Muhammadan community, the European community and the Indian Christian community;

(*c*) the number specified in the seventh column shall be seats to be filled by persons elected by the members of the Legislative Assembly of the Province in accordance with the system of proportional representation by means of the single transferable vote; and

(*d*) the number specified in the eighth column shall be seats to be filled by persons chosen by the Governor in his discretion.

15. A Province, exclusive of any portion thereof which His Majesty in Council may deem unsuitable for inclusion in any constituency or in any constituency of any particular class, shall be divided into territorial constituencies—

(i) for the purpose of electing persons to fill the general seats;

(ii) for the purpose of electing persons to fill the Muhammadan seats;

(iii) for the purpose of electing persons to fill the European seats;

(iv) for the purpose of electing persons to fill the Indian Christian seats, if any,

or, if as respects any class of constituency it is so prescribed, may form one territorial constituency.

In the case of each such class of constituency as aforesaid the total number of seats available shall be distributed between the constituencies by the assignment of one or more of those seats to each constituency.

16. At an election in a constituency to fill a general seat, persons entitled to vote in a Muhammadan constituency, a European constituency, or an Indian Christian constituency shall not be entitled to vote.

In the case of a Muhammadan constituency, a European constituency, or an Indian Christian constituency no person shall be entitled to vote who is not, as the case may be, a Muhammadan, a European, or an Indian Christian.

17. The qualifications entitling a person to vote in territorial constituencies at elections of members of a Provincial Legislative Council, and the qualifications to be possessed by members of such Councils, shall be such as may be prescribed.

18. The term of office of a member of the Legislative Council of a Province, other than a member chosen to fill a casual vacancy, shall be nine years, but upon the first constitution of the Council the Governor in his discretion shall make by order such provision as he thinks fit, by curtailing the term of office of some of the members then chosen, for securing that, as nearly as may be, one-third of the members holding seats of each class shall retire in every third year thereafter.

A member chosen to fill a casual vacancy shall be chosen to serve for the remainder of his predecessor's term of office.

General.

19. In the foregoing provisions of this Schedule the following expressions have the meanings hereby assigned to them, that is to say,—

"a European," "an Anglo-Indian," "an Indian Christian" and "the scheduled castes" have the same meanings respectively as they have in Part I of the First Schedule to this Act;

"backward areas" and "backward tribes" mean respectively such areas and tribes as His Majesty in Council may

5th Sch. —*cont.*

from time to time declare to be areas and tribes to which a special system of representation is more appropriate; and

"prescribed" means prescribed by His Majesty in Council or, so far as regards any matter which under this Act the Provincial Legislature or the Governor are competent to regulate, prescribed by an Act of that Legislature or by a rule made under the next succeeding paragraph.

20. In so far as provision with respect to any matter is not made by this Act or by His Majesty in Council or, after the constitution of the Provincial Legislature, by Act of that Legislature (where the matter is one with respect to which that Legislature is competent to make laws), the Governor, exercising his individual judgment, may make rules for carrying into effect the foregoing provisions of this Schedule and the provisions of the Sixth Schedule and securing the due constitution of the Provincial Legislature and in particular, but without prejudice to the generality of the foregoing words, with respect to—

(i) the notification of vacancies, including casual vacancies, and the proceedings to be taken for filling vacancies;

(ii) the nomination of candidates;

(iii) the conduct of elections, including the application to elections of the principle of proportional representation by means of the single transferable vote, and the rules to regulate elections where certain of the seats to be filled are reserved for members of the scheduled classes, or in the case of Bombay for Marathas, or where certain of the seats allotted to any community must be held by a woman or by a specified type of landholder;

(iv) the expenses of candidates at elections;

(v) corrupt practices and other offences at or in connection with elections;

(vi) the decision of doubts and disputes arising out of or in connection with elections; and

(vii) the manner in which the rules are to be carried into effect.

5th Sch.
—cont.

Table of Seats.

Provincial Legislative Assemblies.

1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.	13.	14.	15.	16.	17.	18.	19.
		General Seats.												Seats for Women.				
Province.	Total Seats.	Total of General Seats.	General Seats reserved for Scheduled Castes.	Seats for representatives of backward areas and tribes.	Sikh Seats.	Muhammadan Seats.	Anglo-Indian Seats.	European Seats.	Indian Christian Seats.	Seats for representatives of commerce, industry, mining and planting.	Landholders Seats.	University Seats.	Seats for representatives of labour.	General.	Sikh.	Muhammadan.	Anglo-Indian.	Indian Christian.
Madras	215	146	30	1	—	28	2	3	8	6	6	1	6	6	—	1	—	1
Bombay	175	114	15	1	—	29	2	3	3	7	2	1	7	5	—	1	—	—
Bengal	250	78	30	—	—	117	3	11	2	19	5	2	8	2	—	2	1	—
United Provinces	228	140	20	—	—	64	1	2	2	3	6	1	3	4	—	2	—	—
Punjab	175	42	8	—	31	84	1	1	2	1	5	1	3	1	1	2	—	—
Bihar	152	86	15	7	—	39	1	2	1	4	4	1	3	3	—	1	—	—
Central Provinces and Berar.	112	84	20	1	—	14	1	1	—	2	3	1	2	3	—	—	—	—
Assam	108	47	7	9	—	34	—	1	1	11	—	—	4	1	—	—	—	—
North Western Frontier Province.	50	9	—	—	3	36	—	—	—	—	2	—	—	—	—	—	—	—
Orissa	60	44	6	5	—	4	—	—	1	1	2	—	1	2	—	—	—	—
Sind	60	18	—	—	—	33	—	2	—	2	2	—	1	1	—	1	—	—

In Bombay seven of the general seats shall be reserved for Marathas.
In the Punjab one of the Landholders' seats shall be a seat to be filled by a Tumandar.
In Assam and Orissa the seats reserved for women shall be non-communal seats.

5TH SCH. —*cont.*

TABLE OF SEATS.—*Provincial Legislative Councils.*

1. Province.	2. Total of Seats.	3. General Seats.	4. Muhammadan Seats.	5. European Seats.	6. Indian Christian Seats.	7. Seats to be filled by Legislative Assembly.	8. Seats to be filled by Governor.
Madras	Not less than 54 Not more than 56	35	7	1	3	—	Not less than 8. Not more than 10.
Bombay	Not less than 29 Not more than 30	20	5	1	—	—	Not less than 3. Not more than 4.
Bengal	Not less than 63 Not more than 65	10	17	3	—	27	Not less than 6. Not more than 8.
United Provinces	Not less than 58 Not more than 60	34	17	1	—	—	Not less than 6. Not more than 8.
Bihar	Not less than 29 Not more than 30	9	4	1	—	12	Not less than 3. Not more than 4.
Assam	Not less than 21 Not more than 22	10	6	2	—	—	Not less than 3. Not more than 4.

SIXTH SCHEDULE.

Schedule 5 (9).

Provisions as to Franchise.

Part I.

General.

1. There shall be an electoral roll for every territorial constituency and no person who is not, and, except as expressly provided by this Schedule, every person who is, for the time being included in the electoral roll for any such constituency shall be entitled to vote in that constituency.

2. The electoral rolls for the territorial constituencies shall be made up and from time to time in whole or in part revised by reference to such date, in this Schedule referred to as "the prescribed date," as may be directed in each case by the Governor, exercising his individual judgment.

3. No person shall be included in the electoral roll for any territorial constituency unless he has attained the age of twenty-one years and is either—

(*a*) a British subject; or

(*b*) the Ruler or a subject of a Federated State; or

(*c*) if and so far as it is so prescribed with respect to any Province, and subject to any prescribed conditions, the Ruler or a subject of any other Indian State.

4. No person shall be included in the electoral roll for, or vote at any election in, any territorial constituency if he is of unsound mind and stands so declared by a competent court.

5. No person shall be included in the electoral roll for a Sikh constituency, a Muhammadan constituency, an Anglo-Indian constituency, a European constituency or an Indian Christian constituency unless he is a Sikh, a Muhammadan, an Anglo-Indian, a European or an Indian Christian, as the case may be.

6. No person who is or is entitled to be included in the electoral roll for any Sikh constituency, Muhammadan constituency, Anglo-Indian constituency, European constituency or Indian Christian constituency in any Province shall be included in the electoral roll for a general constituency in that Province, or vote at any election to fill a general seat therein:

Provided that this paragraph shall not apply in relation to the general seats reserved for women in Assam and Orissa or the constituencies for the election of persons to fill those seats.

(General.)

7. No person shall in any Province vote at a general election in more than one territorial constituency, and in each Province such provisions, if any, as may be prescribed in relation to that Province shall have effect for the purpose of preventing persons being included in the electoral roll for more than one territorial constituency in the Province:

Provided that, in any Province in which territorial constituencies have been specially formed for the purpose of electing women members, nothing in this paragraph or in any such provisions shall prevent a person from being included in the electoral roll for, and voting at a general election in, one territorial constituency so formed and also one territorial constituency not so formed.

8. No person shall be included in the electoral roll for, or vote at any election in, a territorial constituency if he is for the time being disqualified from voting under the provisions of any such Order in Council, Act of the Provincial Legislature or rules made by the Governor as may be made or passed under this Act with respect to corrupt practices and other offences in connection with elections, and the name of any person who becomes so disqualified shall forthwith be struck off all the electoral rolls for territorial constituencies in which it may be included.

9. No person shall vote at any election in any territorial constituency, if he is for the time being undergoing a sentence of transportation, penal servitude, or imprisonment.

10. The following provisions shall have effect with respect to the enfranchisement of women in respect of the qualifications of their husbands—

(*a*) a woman who, at the date of the death of her husband, is included in an electoral roll for a territorial constituency by virtue of his qualifications shall, notwithstanding anything in the subsequent provisions of this Schedule, continue to be on the roll for that constituency unless she remarries or becomes disqualified under the foregoing provisions of this Schedule for inclusion in that roll;

(*b*) not more than one woman shall at any one time appear in the electoral rolls for the territorial constituencies in a Province in respect of the qualifications of any particular man and any question which of several women is to be selected for inclusion shall be determined in the prescribed manner:

Provided that, if a woman who is entitled by virtue of subparagraph (*a*) of this paragraph to remain on the roll of a territorial constituency changes her place of residence, then, if she so desires, she may, on any subsequent revision of the roll, be transferred to the roll of such other territorial constituency as may be appropriate.

(General.)

11. For the purposes of this Schedule any property owned, held, or occupied or payment made by, or assessment made on, a person as a trustee, guardian, administrator or receiver or in any other fiduciary capacity, shall, except as otherwise expressly provided in this Schedule, be left out of account.

12. This Schedule shall have effect as if any reference therein to an officer, non-commissioned officer, or soldier of His Majesty's regular military forces included a reference to an officer or man of any British India police force, not being an officer or man who has been dismissed or discharged from that force for disciplinary reasons, and a reference to an officer, non-commissioned officer or soldier of the Auxiliary Force (India) or the Indian Territorial Force, not being an officer, non-commissioned officer or soldier who has been dismissed or discharged from the force for disciplinary reasons, or has served in the force for less than four years.

13.—(1) In this Schedule, except where the context otherwise requires—

"territorial constituency" means one of the territorial constituencies mentioned in paragraphs five and eight of the Fifth Schedule to this Act;

"European," "Anglo-Indian," "Indian Christian" and "scheduled castes" have the same meanings respectively as they have in Part I of the First Schedule to this Act;

"Indian Christian constituency" does not include any constituency which may be formed for choosing persons to fill the Indian Christian seat in Bihar;

"person" does not include a body of persons;

"prescribed," except in the phrase "the prescribed date," has the same meaning as in the Fifth Schedule to this Act;

"previous financial year," "previous Bengali year" and "previous fasli year" mean, respectively, the financial year, the Bengali year, and the fasli year immediately preceding that in which the prescribed date falls;

"house" and "building" include, respectively, a part of a house or building separately occupied as a dwelling or for the purposes of any trade, business, or profession;

"literate" means, in relation to any person, able to read and write in some language or dialect selected by him, being a language or dialect in common use in some part of India;

6TH SCH. —*cont.* (General.)

"cantonment" means a cantonment for the purposes of the Cantonments Act, 1924, and "cantonment record" means a record prepared under that Act.

(2) Any reference in this Schedule to "urban constituencies" or "rural constituencies" shall be construed as a reference to such territorial constituencies as may be classified as urban or rural constituencies, respectively, by an Order in Council delimiting territorial constituencies:

Provided that any such Order in Council may direct that any Anglo-Indian constituency, European constituency, or Indian Christian constituency shall be deemed to be an urban constituency for some purposes and a rural constituency for other purposes.

(3) Any reference in this Schedule to persons assessed to income tax in any financial year shall be deemed to include a reference to any partner in a firm assessed to income tax in that year if his share of the firm's income on which income tax was so assessed is certified in the prescribed manner to have been not less than the minimum on which the tax is leviable.

(4) If any question arises under this Schedule whether any person is or is not a Sikh, he shall be deemed to be a Sikh if and only if he makes in the prescribed manner a declaration in the prescribed form that he is a Sikh.

(5) Any reference in this Schedule to a retired, pensioned or discharged officer, non-commissioned officer or soldier of any force shall be deemed not to include a reference to any person who has been dismissed or discharged from that force for disciplinary reasons.

(6) Any reference in this Schedule to all or any of the provisions of any Indian Act shall be construed as a reference to those provisions as amended by or under any other Act or, if those provisions are repealed and re-enacted with or without modification, to the provisions so re-enacted.

(7) If the boundaries of any district or other administrative area mentioned in this Schedule are altered, any reference in this Schedule to that district or area shall thereafter be taken as a reference to the district or area as altered.

PART II.

MADRAS.

General requirement as to residence.

1. No person shall be qualified to be included in the electoral roll for a territorial constituency unless he has resided in a house in the constituency for a period of not less than one hundred and twenty days in the previous financial year.

A person is deemed to reside in a house if he sometimes uses it as a sleeping place and a person is not deemed to cease to reside in a house merely because he is absent from it or has another dwelling in which he resides, if he is at liberty to return to the house at any time and has not abandoned his intention of returning.

Qualifications dependent on taxation.

2. Subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, a person shall be qualified to be included in the electoral roll for any territorial constituency if in the previous financial year he—

(*a*) paid tax under the Madras Motor Vehicles Taxation Act, 1931, for the whole of that year; or

(*b*) paid for both the half years of that year to a municipality, local board or cantonment authority in the Province profession tax under the Madras City Municipal Act, 1919, the Madras District Municipalities Act, 1920, the Madras Local Boards Act, 1920, or the Cantonments Act, 1924; or

(*c*) paid for both the half years of that year to a municipality or cantonment authority in the Province property tax under any of the said Acts; or

(*d*) paid for both the half years of that year house tax under the Madras Local Boards Act, 1920; or

(*e*) occupied as sole tenant throughout that year a house in respect of which property tax or house tax has been paid for both the half years of that year under any of the Acts mentioned in this paragraph; or

(*f*) was assessed to income tax.

Qualifications dependent on property, &c.

3. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he—

(*a*) was on the last day of the previous fasli year a registered landholder, inamdar, ryotwari pattadar or occupancy ryot under the Madras Estates Land Act, 1908; or

(*b*) was in and for the previous fasli year assessed to ground rent payable to the Government of the Province; or

(*c*) was throughout the previous fasli year a kanamdar or kuzhikanamdar or the holder of a kudiyiruppu or a verumpattamdar having fixity of tenure, each of these terms having the meaning assigned to it in the Malabar Tenancy Act, 1929; or

(*d*) was throughout the previous fasli year a mortgagee with possession or lessee, under a registered instru-

6TH SCH. —*cont.* (Madras.)

ment, of immovable property in the Province (other than house property) of an annual rent value, in the case of an urban constituency, of not less than one hundred rupees, and, in the case of a rural constituency, of not less than fifty rupees.

4.—(1) Sub-paragraph (*a*) of the last preceding paragraph shall not apply in relation to registered joint landholders, registered joint inamdars, registered joint ryotwari pattadars or registered joint occupancy ryots, but in relation to such persons (being persons so registered on the last day of the previous fasli year) the following provisions of this paragraph shall have effect.

(2) Where the joint holding of any joint landholders or joint holders of a whole-inam village is of an annual rental of one thousand rupees or upwards, then, subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, one registered joint holder for every complete five hundred rupees of the annual rental of the joint holding shall be qualified to be included in the electoral roll of the appropriate territorial constituency.

(3) Where the annual assessment, rent or kist of the joint holding of joint holders of a minor inam, a ryotwari patta or an estate patta is one hundred rupees or upwards, then, subject as aforesaid, one registered joint holder for every complete fifty rupees of the annual assessment, rent or kist shall be qualified to be included in the electoral roll of the appropriate territorial constituency.

(4) In other cases, one of the registered joint holders shall, subject as aforesaid, be qualified to be included in the electoral roll of the appropriate territorial constituency.

(5) The registered holders to be included under this paragraph in an electoral roll in respect of a joint holding shall be those nominated in an application in that behalf, signed by a majority of the registered joint holders.

Qualification by reason of guardianship.

5. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is on the prescribed date the guardian of a minor who by virtue of the foregoing provisions of this Part of this Schedule would have been entitled to be included in the electoral roll for that constituency if he were of full age and satisfied the requirements of paragraph one of this Part of this Schedule.

Qualification by reason of literacy.

6. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is proved in the prescribed manner to be literate.

Qualification by reason of service in His Majesty's forces.

6TH SCH. —*cont.* (Madras.)

7. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces.

Additional qualifications for women.

8. Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency—

(*a*) if she is the pensioned widow or the pensioned mother of a person who was an officer, non-commissioned officer, or soldier of His Majesty's regular military forces; or

(*b*) if her husband possesses the qualifications requisite for the purpose of this paragraph.

9. A husband shall be deemed to possess the qualifications requisite for the purposes of the last preceding paragraph if he either—

(*a*) was assessed in the previous financial year to income tax; or

(*b*) is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces; or

(*c*) occupied for not less than six months in the previous financial year a house in the city of Madras the annual value whereof was not less than sixty rupees, not being a house in any military or police lines; or

(*d*) was assessed in the Province in the previous financial year to tax on companies; or

(*e*) was assessed in the Province in the previous financial year to an aggregate amount of not less than three rupees in respect of either or both of the following taxes, namely, property tax or profession tax; or

(*f*) is registered as a ryotwari pattadar or an inamdar of land the annual rent value whereof is not less than ten rupees; or

(*g*) holds under a ryotwari pattadar or an inamdar a registered lease of land the annual rent value whereof is not less than ten rupees; or

(*h*) is registered jointly with the proprietor under section fourteen of the Malabar Land Registration Act, 1895, as the occupant of land the annual rent value whereof is not less than ten rupees; or

(*i*) is a landholder holding an estate the annual rent value whereof is not less than ten rupees; or

6th Sch. —*cont.*

(Madras.)

(*j*) holds as ryot, or as tenant under a landholder, land the annual rent value whereof is not less than ten rupees.

Application necessary for enrolment in certain cases.

10. No person shall, by virtue of sub-paragraph (*e*) of paragraph two, sub-paragraph (*c*) or sub-paragraph (*d*) of paragraph three, paragraph five, paragraph six, or paragraph eight, of this Part of this Schedule, be included in the electoral roll of any territorial constituency unless application is made in the prescribed manner by him or, if it is so prescribed, on his behalf, that he should be so included:

Provided that, except in relation to the original preparation of electoral rolls and revisions thereof within three years from the commencement of Part III of this Act, this paragraph shall, as respects women qualified by virtue of their husbands' qualifications, have effect only where the husband's qualification is that mentioned in sub-paragraph (*b*) of paragraph nine of this Part of this Schedule.

General provisions as to joint property, &c.

11.—(1) Subject to the provisions of this paragraph, property held and payments made jointly by, and assessments made jointly on, more than one person, shall be left out of account for the purposes of this Part of this Schedule.

(2) Where any such property, payments or assessments would qualify a person if they had been held or made by, or made on, him solely, then, subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, one of those persons shall be qualified in respect of the property, payment or assessment and that person shall be—

(*a*) if the property is held, or the payments or assessments made, by or on a Hindu joint family, the manager thereof;

(*b*) if the property is held or the payments or assessments made by or on any other joint family, the member thereof authorised in that behalf by the family themselves;

(*c*) in any other case, the person authorised in that behalf by a majority of the persons by or on whom the property is held or the payments or assessments made.

(3) Nothing in this paragraph affects paragraph four of this Part of this Schedule, or the provisions of Part I of this Schedule relating to partners in firms assessed to income tax.

Interpretation, &c.

12.—(1) In this Schedule, in relation to Madras—

"estate" means an estate as defined in the Madras Estates Land Act, 1908;

"fasli year" means a year ending on the thirtieth day of June;

"landholder" means a person owning an estate or part of an estate and includes every person entitled to collect the rent of the whole or part of an estate by virtue of any transfer from the owner or his predecessor in title or of any order of a competent court, or of any provision of law;

"rent value" means the value as determined in accordance with the provisions of section seventy-nine of the Madras Local Boards Act, 1920, with reference to the accounts of the previous fasli year or, in any case in which it is not possible so to determine the rent value, such value as appears to the registration officer to be the rent value;

"tenant" includes all persons who, whether personally or by an agent, occupy a house or land under the owner or landholder or intermediate landholder, whether or not rent is paid to the owner, landholder or intermediate landholder, as the case may be, except that it does not include any person occupying a house in military or police lines rent free by virtue of any office, service or employment.

(2) A person who is paying or is liable to pay the rent of a house shall be deemed to occupy it.

PART III.

BOMBAY.

General requirement as to residence.

1. No person shall be qualified to be included in the electoral roll for a territorial constituency unless he satisfies the requirement as to residence in relation to that constituency.

For the purposes of this Part of this Schedule a person shall be deemed to satisfy the requirement as to residence—

(*a*) in relation to a Bombay city constituency, if he has for a period of not less than one hundred and eighty days in the previous financial year resided in a house in the city of Bombay or in the Thana mahal or the South Salsette taluka;

(*b*) in relation to any other urban constituency, if he has for a period of not less than one hundred and eighty days in the previous financial year resided in a house in the constituency or within two miles of the boundary thereof;

6TH SCH. —*cont.*
(Bombay.)

(*c*) in the case of a rural constituency, if he has for a period of not less than one hundred and eighty days in the previous financial year resided in a house in the constituency, or in a contiguous constituency of the same communal description :

Provided that a person shall be deemed to satisfy the requirement as to residence in relation to any European or Anglo-Indian territorial constituency if he has for a period of not less than one hundred and eighty days in the previous financial year resided in a house in the Province.

A person is deemed to reside in a house if he sometimes uses it as a sleeping place, and a person is not deemed to cease to reside in a house merely because he is absent from it or has another dwelling in which he resides, if he is at liberty to return to the house at any time and has not abandoned his intention of returning.

Qualifications dependent on taxation.

2. Subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, a person shall be qualified to be included in the electoral roll for any territorial constituency, if he was assessed during the previous financial year to income tax.

Qualifications dependent on property.

3. Subject as aforesaid a person shall also be qualified to be included in the electoral roll for any territorial constituency if he—

(*a*) holds in his own right, or occupies as a tenant, alienated or unalienated land or land on talukdari tenure, being land in the constituency assessed at, or of the assessable value of, not less than eight rupees land revenue; or

(*b*) is the alienee of the right of the Government to the payment of rent or land revenue amounting to not less than eight rupees in respect of alienated land in the constituency; or

(*c*) is a khot or sharer in a khoti village in the constituency, or a sharer in a bhagdari or narwadari village in the constituency, and is responsible for the payment of not less than eight rupees land revenue; or

(*d*) occupies in the constituency as owner or tenant a house or building, situate in the city of Bombay or in any municipal borough, municipal district, cantonment or notified area, and having at least the appropriate value.

In sub-paragraph (*d*) of this paragraph, the expression " the appropriate value " means—

(i) in relation to a house or building situate within the city of Bombay, an annual rental value of sixty rupees;

(ii) in relation to a house or building situate outside the city of Bombay but in an area in which a tax is based on the annual rental value of houses or buildings, an annual rental value of eighteen rupees;

(iii) in relation to any other house or building, a capital value of seven hundred and fifty rupees.

Educational qualification.

4. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is proved in the prescribed manner to have passed the matriculation or school leaving examination of the University of Bombay, or an examination prescribed as at least equivalent to either of those examinations, or, if it is so prescribed, any other prescribed examination, not lower than a vernacular final examination.

Qualification by reason of service in His Majesty's forces.

5. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces.

Additional qualification for women.

6. Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency—

(*a*) if she is the pensioned widow or the pensioned mother of a person who was an officer, non-commissioned officer or soldier of His Majesty's regular military forces; or

(*b*) if she is shown in the prescribed manner to be literate; or

(*c*) if her husband possesses the qualifications requisite for the purposes of this paragraph.

7. A husband shall not be deemed to possess the qualifications requisite for the purposes of the last preceding paragraph unless he satisfies the requirement as to residence in relation to the constituency in question, but subject as aforesaid a husband shall be deemed to possess the said qualifications if—

(*a*) in the previous financial year, he was assessed to income tax; or

6th Sch. —*cont.* (Bombay.)

(*b*) he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces; or

(*c*) in the constituency he holds in his own right, or occupies as tenant, alienated or unalienated land or land on talukdari tenure assessed at, or of the assessable value of, not less than sixteen rupees land revenue in the Panch-Mahals sub-division of the Broach and Panch-Mahals district or in the Ratnagiri district, or not less than thirty-two rupees land revenue elsewhere; or

(*d*) he is the alienee of the right of the Government to the payment of rent or land revenue in respect of alienated land in the constituency amounting to not less than sixteen rupees in the Panch-Mahals sub-division of the Broach and Panch-Mahals district or in the Ratnagiri district and to not less than thirty-two rupees elsewhere; or

(*e*) he is a khot or sharer in a khoti village in the constituency or a sharer in a bhagdari or narwadari village in the constituency and, in either case, is responsible for the payment, in the Panch-Mahals sub-division of the Broach and Panch-Mahals district or in the Ratnagiri district, of not less than sixteen rupees land revenue, and, elsewhere, of not less than thirty-two rupees land revenue; or

(*f*) he occupies as owner or tenant in the constituency a house or building situate in the city of Bombay or in a municipal borough, municipal district, cantonment or notified area and having at least the appropriate value.

In sub-paragraph (*f*) of this paragraph, the expression "appropriate value" means—

(i) in relation to a house or building in the city of Bombay, an annual rental value of one hundred and twenty rupees;

(ii) in relation to a house or building in the Panch-Mahals sub-division of the Broach and Panch-Mahals district or the Ratnagiri district, situate in an area in which any tax is based on the annual rental value of houses or buildings, an annual rental value of twenty-four rupees;

(iii) in relation to any other house or building in the Panch-Mahals sub-division of the Broach and Panch-Mahals district or the Ratnagiri district, a capital value of one thousand rupees;

6th Sch. —cont. (Bombay.)

(iv) in relation to a house or building in any other area in which any tax is based on the annual rental value of houses or buildings, an annual rental value of thirty-six rupees; and

(v) in relation to any other house or building, a capital value of one thousand five hundred rupees.

Special qualification for scheduled castes.

8. Subject as aforesaid a person who is a member of the scheduled castes shall also be qualified to be included in the electoral roll for any territorial constituency if either—

(*a*) he is shown in the prescribed manner to be literate; or

(*b*) he was at any time during the year ending on the thirty-first day of December next preceding the prescribed date a person actually performing in the Province the duties of an inferior village office, whether hereditary or not:

Provided that a person who has been dismissed for misconduct and has not been re-employed shall not by virtue of sub-paragraph (*b*) of this paragraph be qualified to be entered in any electoral roll.

Application necessary for enrolment in certain cases.

9. No person shall by virtue of paragraph four or of paragraph six of this Part of this Schedule be included in the electoral roll for any territorial constituency unless application is made in the prescribed manner by him or, if it is so prescribed, on his behalf, that he should be so included:

Provided that, except in relation to the original preparation of electoral rolls and revisions thereof within three years from the commencement of Part III of this Act, this paragraph shall, in relation to women qualified by virtue of their husbands' qualifications, have effect only where the husband's qualification is that mentioned in sub-paragraph (*b*) of paragraph seven of this Part of this Schedule.

Provisions as to joint property, &c.

10.—(1) Subject to the provisions of this paragraph, any reference in this Part of this Schedule to land or other immovable property, or to rent or land revenue in respect of alienated land, shall, in relation to any persons who are co-sharers in such land, property, rent or land revenue, be construed as a reference to the respective shares of those persons.

(2) Where two or more persons occupy any house, the rental value of the house shall, in relation to each of those persons, be deemed to be the rental value thereof divided by the number of those persons.

(3) Where property is owned, held or occupied, or payments are made, jointly by, or assessments are made jointly on, the members of a joint family, and the property, payments or assessments would qualify a person if they had been owned, held, occupied or made by or on him solely, then, subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, one member of the family shall be qualified in respect of the property, payment or assessment, and that person shall be, in the case of a Hindu joint family, the manager thereof and, in other cases, the member authorised in that behalf by the family themselves.

Save as aforesaid, any property owned, held or occupied, or payments made, jointly by, or assessments made jointly on, the members of a joint family shall be left out of account for the purposes of this Part of this Schedule.

(4) Nothing in this paragraph affects the provisions of Part I of this Schedule relating to partners in firms assessed to income tax.

Interpretation, &c.

11.—(1) In this Schedule, in relation to Bombay—

"holder" means a person lawfully in possession of land, whether his possession is actual or not, and "hold" shall be construed accordingly;

"tenant" means a lessee, whether holding under an instrument or under an oral agreement, and includes a mortgagee of a tenant's rights with possession, and, in relation to a house not situate in military or police lines, also includes any person occupying the house rent-free by virtue of any office, service or employment;

"Bombay city constituency" means a constituency comprising any part of the city of Bombay.

(2) The value of any machinery, furniture or equipment contained in or situate upon any house or building shall not be included in estimating for the purposes of this Part of this Schedule the rental value or the capital value of the house or building.

(3) In computing for the purposes of this Part of this Schedule the assessable value of any land, regard shall be had to the average rate of assessment on assessed land in the same village or, if there is no such land in the same village, the average rate of assessment on assessed land in the nearest village containing assessed land.

PART IV.

6th Sch.
—*cont.*
(Bengal.)

BENGAL.

General requirement as to residence.

1.—(1) A person shall not be qualified to be included in the electoral roll for any territorial constituency unless he has a place of residence in that constituency:

Provided that—

(*a*) in the case of a Calcutta constituency, the provisions of this paragraph shall be deemed to be complied with in relation to any person if he has a place of residence in Calcutta and a place of business within the constituency;

(*b*) in the case of a European constituency, the provisions of this paragraph shall be deemed to be complied with in relation to any person if he is actually employed anywhere in Bengal but is absent from Bengal on leave from his employment.

(2) In this paragraph "a place of residence" means a place where a person ordinarily and actually resides during the greater part of the year.

Qualifications dependent on taxation.

2. Subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, a person shall be qualified to be included in the electoral roll for any territorial constituency if he—

(*a*) has paid before the expiration of the previous year any sum as tax under the Bengal Motor Vehicles Tax Act, 1932, in respect of that year; or

(*b*) was assessed during the previous year to income tax; or

(*c*) was during the previous year entered in the municipal assessment book or licence register, or any other authorised register maintained by the corporation of Calcutta, as having paid in respect of that year either directly or indirectly any sum as consolidated rate, tax or licence fee to the corporation; or

(*d*) has paid during and in respect of the previous year municipal or cantonment taxes or fees of not less than eight annas, or road and public works cesses under the Cess Act, 1880, of not less than eight annas, or Chaukidari tax under the Village Chaukidari Act, 1870, of not less than six annas, or union rate under the Bengal Village Self-Government Act, 1919, of not less than six annas.

6TH SCH. —*cont.*
(Bengal.)

Qualifications dependent on property.

3. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll of any territorial constituency if at any time during the previous financial or Bengali year he has occupied by virtue of his employment a house in the Province the annual valuation of which is not less than forty-two rupees.

In this paragraph "annual valuation" means the annual rental of the house as ascertained from any accounts of the employer of the person in question which are required by or under any law to be regularly audited or, if the annual valuation is not so ascertainable, one-tenth of the annual remuneration received by the person in question for the employment by virtue of which he occupies it.

Educational qualification.

4. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is proved in the prescribed manner to have passed the matriculation examination of any prescribed university, or an examination prescribed as at least equivalent to any such examination, or if it is so prescribed, any other prescribed examination, not lower than a final middle school examination.

Qualification by reason of service in His Majesty's forces.

5. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces.

Additional qualifications for women.

6. Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency if she is the pensioned widow or the pensioned mother of a person who was an officer, non-commissioned officer or soldier of His Majesty's regular military forces or if her husband possesses the qualifications requisite for the purposes of this paragraph or if she is shown in the prescribed manner to be literate:

Provided that, in relation to the original preparation of electoral rolls and revisions thereof within three years from the commencement of Part III of this Act, this paragraph shall have effect as if the words "or if she is shown in the prescribed manner to be literate" were omitted therefrom.

6th Sch. —cont. (Bengal.)

7. In relation to a Calcutta constituency, a husband shall be deemed to possess the qualifications requisite for the purposes of the last preceding paragraph if—

(a) he was during the previous year entered in the municipal assessment book as the owner and occupier of any land or building in Calcutta separately numbered and valued for assessment purposes at not less than one hundred and fifty rupees per annum, or as the owner or occupier of any land or building in Calcutta separately numbered and valued for assessment purposes at not less than three hundred rupees per annum and paid during that year his share of the consolidated rate on the land or building; or

(b) he has paid during and in respect of the previous year on his sole account and in his own name not less than twenty-four rupees either in respect of the taxes levied under Chapter XI, or in respect of the taxes levied under Chapter XII, of the Calcutta Municipal Act, 1923; or

(c) his name is entered in the municipal assessment book in respect of any land or building in Calcutta in respect of which not less than twenty-four rupees was paid in the previous year in respect of the consolidated rate.

8. In relation to an urban constituency which is not a Calcutta constituency, a husband shall be deemed to possess the qualifications requisite for the said purposes if, during and in respect of the previous year, he paid, in the municipality of Howrah, municipal taxes or fees of not less than three rupees, or, in any other municipal area or cantonment in the Province, municipal or cantonment taxes or fees of not less than one rupee, eight annas.

9. In relation to a rural constituency, a husband shall be deemed to possess the qualifications requisite for the said purposes if, during and in respect of the previous year, he paid not less than one rupee, eight annas in respect of municipal taxes or fees, or not less than one rupee in respect of road and public works cesses under the Cess Act, 1880, or not less than two rupees in respect of Chaukidari tax under the Village Chaukidari Act, 1870, or in respect of union rate under the Bengal Village Self-Government Act, 1919.

10. In relation to any territorial constituency, a husband shall be deemed to possess the qualifications requisite for the said purposes if he either is a retired pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces or was assessed in the previous year to income tax, or paid before the expiration of the previous year any sum as tax under the Bengal Motor Vehicles Tax Act, 1932, in respect of that year.

6th Sch. —cont. (Bengal.)

Special provisions as to Darjeeling general constituency.

11. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any rural general constituency comprising any part of the Sadar, Kalimpong and Kurseong sub-divisions of the Darjeeling district if that person either—

(*a*) has paid during and in respect of the previous year rent of not less than twenty rupees for any land in the Province situate in a municipal area or for any hired building in the Province, or rent of not less than two rupees for any land in the Province not situate in a municipal area; or

(*b*) is the wife of a person who, during and in respect of the previous year, has paid rent of not less than sixty rupees for any land in the Province situate in a municipal area or for any hired building in the Province, or rent of not less than six rupees for any land in the Province not situate in a municipal area.

Application necessary for enrolment in certain cases.

12. No person shall by virtue of paragraph three or paragraph four of this Part of this Schedule be included in the electoral roll of any territorial constituency, unless application is made in the prescribed manner by him, or, if it is so prescribed, on his behalf, that he should be so included.

Special provisions as to Muhammadan women's constituency.

13. No man shall be included in the electoral roll for, or be entitled to vote at any election in, any Muhammadan constituency specially formed for the election of persons to fill the seats reserved for women.

Interpretation, &c.

14.—(1) In this Schedule, in relation to Bengal,—

"Calcutta" means Calcutta as defined in paragraph 11 of section three of the Calcutta Municipal Act, 1923;

"a Calcutta constituency" means, subject to the provisions of this paragraph with respect to Anglo-Indian constituencies, European constituencies or Indian Christian constituencies, a constituency which comprises any part of Calcutta;

"previous year" means the previous financial year or the previous Bengali year, whichever is appropriate in the particular case;

"Bengali year" means a year ending on the last day of the Bengali month of Chaitra.

(2) Notwithstanding anything in this paragraph, an Order in Council delimiting territorial constituencies may provide that any Anglo-Indian constituency, European constituency or Indian

Christian constituency comprising any part of Calcutta, shall, for all or any of the purposes of this Part of this Schedule, be deemed not to be a Calcutta constituency.

(3) Where property is held or payments are made jointly by, or assessments are made jointly on, the members of a joint family, the family shall be adopted as the unit for deciding whether the requisite qualification exists, and if it does exist the person qualified shall be, in the case of a Hindu joint family, the manager thereof, and in other cases the member authorised in that behalf by the family themselves:

Provided that this paragraph shall not apply where members of a joint family have separate accommodation and separate messing, and in any such case any reference in this Part of this Schedule to any property, payment or assessment shall be construed as a reference to each member's share of that property, payment or assessment.

PART V.

THE UNITED PROVINCES.

General requirement as to residence.

1.—(1) A person shall not be qualified to be included in the electoral roll for any territorial constituency unless he is resident in the constituency.

(2) For the purposes of this Part of this Schedule a person shall be deemed to be resident in any area if he ordinarily lives in that area or maintains a dwelling-house therein ready for occupation in which he occasionally dwells.

Qualifications dependent on taxation.

2. Subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, a person shall be qualified to be included in the electoral roll for any territorial constituency if he—

(*a*) was assessed during the previous financial year to income tax; or

(*b*) was, in an area wholly or partly within the constituency in which a municipal tax is in force, assessed in the previous financial year to municipal tax on an income of not less than one hundred and fifty rupees per annum.

Qualifications dependent on property.

3. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is the owner or tenant of a house or building in the constituency the rental value whereof is not less than twenty-four rupees per annum.

6TH SCH. —*cont.*

(United Provinces.)

4. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he—

(*a*) owns land in the constituency on which land revenue of not less than five rupees per annum is payable; or

(*b*) owns land in the constituency free of land revenue, if the land revenue nominally assessed on the land for determining the amount of rates payable in respect of the land, either alone or together with any land revenue payable by him as owner of other land in the constituency, amounts to not less than five rupees per annum; or

(*c*) is a tenant of land in the constituency in respect of which rent of not less than ten rupees per annum, or rent in kind equivalent to not less than ten rupees per annum, is payable; or

(*d*) is an under-proprietor in Oudh of land in the constituency in respect of which under-proprietary rent of not less than five rupees per annum is payable; or

(*e*) in the case of a constituency comprising any part of the Hill Pattis of Kumaun, is resident in those Hill Pattis and, in the constituency, either is owner of a fee simple estate in those Hill Pattis, or is assessed to the payment of land revenue or cesses of any amount in those Hill Pattis, or is a Khaikar.

Educational qualification.

5. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is proved in the prescribed manner to have passed the upper primary examination, or an examination which is prescribed as the equivalent thereof.

Qualification by reason of service in His Majesty's forces.

6. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces.

Special provision as to Shilpkars in the Hill Pattis of Kumaun.

7. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency comprising any part of the Hill Pattis of Kumaun if he is a Shilpkar resident in a village in those Hill Pattis and is in the prescribed manner selected and designated as their representative by the Shilpkar families of that village.

Additional qualifications for women.

6th Sch. —*cont.* (United Provinces.)

8. Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency—

(*a*) if she is the pensioned widow or the pensioned mother of a person who was an officer, non-commissioned officer or soldier of His Majesty's regular military forces; or

(*b*) if she is proved in the prescribed manner to be literate; or

(*c*) if her husband possesses the qualifications requisite for the purposes of this paragraph.

9. In relation to any territorial constituency, a husband shall be deemed to possess the qualifications requisite for the purposes of the last preceding paragraph if—

(*a*) he is the owner or tenant of a house or building in the constituency, the rental value whereof is not less than thirty-six rupees per annum; or

(*b*) was, in an area in which no house or building tax is in force, assessed in the previous year in the constituency to municipal tax on an income of not less than two hundred rupees per annum; or

(*c*) owns land in the constituency in respect of which land revenue amounting to not less than twenty-five rupees per annum is payable; or

(*d*) owns land in the constituency free of land revenue, if the land revenue nominally assessed on the land for determining the amount of rates payable in respect thereof, either alone or together with any land revenue payable by him as owner in respect of other land in the constituency, amounts to not less than twenty-five rupees per annum; or

(*e*) is resident in the Hill Pattis of Kumaun and, in the constituency, either owns a fee simple estate situate in those Hill Pattis or is assessed to the payment of land revenue or cesses of any amount in those Hill Pattis, or is a Khaikar; or

(*f*) is, in the constituency, a permanent tenure holder or a fixed rate tenant as defined in the Agra Tenancy Act, 1926, or an under-proprietor or occupancy tenant as defined in the Oudh Rent Act, 1886, and is liable as such to rent of not less than twenty-five rupees per annum; or

(*g*) holds in the constituency as a tenant, land in respect of which a rent of not less than fifty rupees per annum or a rent in kind equivalent to not less than fifty rupees per annum is payable; or

6th Sch.
—*cont.*
(United Provinces.)

(*h*) was assessed in the previous financial year to income tax; or

(*i*) is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces.

Application necessary for enrolment in certain cases.

10.—(1) No person shall by virtue of paragraph five or sub-paragraph (*a*) or sub-paragraph (*b*) of paragraph eight of this Part of this Schedule, or by virtue of her husband being a retired, pensioned or discharged officer, non-commissioned officer or soldier, be included in the electoral roll for any territorial constituency unless application is made in the prescribed manner by, or if it is so prescribed, on behalf of, that person, that that person should be so included.

(2) On the preparation of the original electoral roll for any rural constituency or on any revision of the electoral roll for a rural constituency within three years from the commencement of Part III of this Act, no person shall by virtue of her husband possessing any of the other qualifications requisite for the purposes of the said paragraph eight be included in the electoral roll unless application is made in the prescribed manner by her, or if it is so prescribed, on her behalf, that she should be so included.

Interpretation, &c.

11.—(1) In this Schedule, in relation to the United Provinces—

"owner" does not include a mortgagee or a lessee, and "own" shall be construed accordingly;

"tenant" as respects any land in a rural area means a tenant as defined in the Agra Tenancy Act, 1926, or the Oudh Rent Act, 1886, as the case may be, and does not include a sub-tenant, and as respects any house or building means a person who occupies it on payment of rent, or in the case of a house, not situate in military or police lines, a person who occupies it rent free by virtue of any office, service or employment;

"under-proprietor" means an under-proprietor as defined in the Oudh Rent Act, 1886;

"Khaikar" means a person recorded as such in the records of rights of land in the Hill Pattis of Kumaun;

"building" means a building as defined in the United Provinces Municipalities Act, 1916;

"rental value" means the value of a house or building based on the amount of annual rent;

"municipal tax" and "house or building tax," mean the taxes respectively known by those names imposed under the United Provinces Municipalities Act, 1916, the United Provinces Town Areas Act, 1914, and the Cantonments Act, 1924;

"urban area" means a municipality or notified area as defined in subsection (9) of section two, and subsection (2) of section three hundred and thirty-seven of the United Provinces Municipalities Act, 1916, or a town area as defined in the United Provinces Town Areas Act, 1914, or a cantonment;

6th Sch. —*cont.* (United Provinces.)

"rural area" means an area which is not an urban area.

(2) Where property is held or payments are made jointly by, or assessments are made jointly on, the members of a joint family or joint tenancy, the family or tenancy shall be adopted as the unit for deciding whether under this Part of this Schedule the requisite qualification exists, and if it does exist, the person qualified shall be, in the case of a joint Hindu family, the manager thereof or, if there is no manager, the member nominated in that behalf by the majority of the family, and in other cases the member nominated in that behalf by the family or tenancy concerned.

PART VI.

THE PUNJAB.

General requirements as to residence.

1. No person shall be qualified to be included in the electoral roll for a territorial constituency unless he is resident in the constituency.

For the purposes of this Part of this Schedule proof that a person owns a family dwelling-house or a share in a family dwelling-house in a constituency and that that house has not during the twelve months preceding the prescribed date been let on rent either in whole or in part shall be sufficient evidence that that person is resident in the constituency.

Qualifications dependent on taxation.

2. Subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, a person shall be qualified to be included in the electoral roll for a territorial constituency if during the previous financial year either—

(*a*) he was assessed to income tax, or was in the Province assessed in respect of any direct municipal or direct cantonment tax to an amount of not less than fifty rupees; or

(*b*) he was in the Province assessed to haisiyat or profession tax to an amount of not less than two rupees, or, in districts in which no such tax exists, to any other direct tax imposed under the Punjab District Boards Act to an amount of not less than two rupees.

6th Sch.
—*cont.*
(The Punjab.)

Qualifications dependent on property, &c.

3. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he either—

(*a*) is the owner of land in the Province assessed to land revenue of not less than five rupees per annum; or

(*b*) is a tenant with a right of occupancy as defined in Chapter II of the Punjab Tenancy Act, 1887, in respect of land in the Province assessed to land revenue of not less than five rupees per annum; or

(*c*) is an assignee of land revenue in the Province amounting to not less than ten rupees per annum; or

(*d*) is a tenant of not less than six acres of irrigated land in the constituency, or of not less than twelve acres of unirrigated land in the constituency; or

(*e*) has throughout the twelve months immediately preceding the prescribed date owned immovable property in the Province of the value of not less than two thousand rupees or of an annual rental value of not less than sixty rupees, not being land assessed to land revenue; or

(*f*) has throughout the twelve months preceding the prescribed date occupied as tenant in the constituency immovable property of an annual rental value of not less than sixty rupees, not being land assessed to land revenue; or

(*g*) is a zaildar, inamdar, sufedposh or lambardar in the constituency:

Provided that the provisions of sub-paragraph (*d*) of this paragraph shall be deemed to be complied with in the case of a person who is the tenant of both irrigated and unirrigated land in the constituency if the sum of the area of that irrigated land and half the area of that unirrigated land is not less than six acres.

Educational qualification.

4. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is proved in the prescribed manner to have attained the primary or an equivalent or higher educational standard.

Qualification by reason of service in His Majesty's forces.

5. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is a retired, pensioned or discharged officer, non-commissioned officer or soldier in His Majesty's regular military forces.

Additional qualification for women.

6th Sch. —*cont.*

(The Punjab.)

6. Subject as aforesaid a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency if she is the pensioned widow or the pensioned mother of a person who was an officer, non-commissioned officer or soldier of His Majesty's regular military forces, or if she is shown in the prescribed manner to be literate or if her husband possesses the qualifications requisite for the purposes of this paragraph.

7. A husband shall be deemed to possess the qualifications requisite for the purposes of the last preceding paragraph if he either—

(*a*) during the previous financial year was assessed to income tax, or was assessed in the Province in respect of any direct municipal or cantonment tax to an amount of not less than fifty rupees; or

(*b*) is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces; or

(*c*) has throughout the twelve months preceding the prescribed date owned immovable property in the Province of the value of not less than four thousand rupees or of an annual rental value of not less than ninety-six rupees, not being land assessed to land revenue; or

(*d*) has throughout the twelve months preceding the prescribed date occupied as a tenant immovable property in the constituency of an annual rental value of not less than ninety-six rupees, not being land assessed to land revenue; or

(*e*) is the owner of land in the Province assessed to land revenue of not less than twenty-five rupees per annum; or

(*f*) is the assignee of land revenue in the Province amounting to not less than fifty rupees per annum; or

(*g*) is a tenant or lessee under the terms of a lease for a period of not less than three years of Crown land in the constituency for which an annual rent of not less than twenty-five rupees is payable; or

(*h*) is a tenant with a right of occupancy as defined in Chapter II of the Punjab Tenancy Act, 1887, in respect of land assessed to land revenue of not less than twenty-five rupees per annum:

6th Sch. —*cont.*

(The Punjab.)

Provided that for the purposes of sub-paragraph (*g*) of this paragraph, where the amount payable by any tenant or lessee is assessed from harvest to harvest, the annual rent payable by him shall be deemed to be the annual average of the amounts payable by him in the three years preceding that in which the prescribed date falls.

Special qualification for scheduled castes.

8. Subject as aforesaid a person who is a member of the scheduled castes shall also be qualified to be included in the electoral roll for any territorial constituency if he either—

(*a*) is shown in the prescribed manner to be literate; or

(*b*) has throughout the twelve months preceding the prescribed date owned immovable property in the Province of a value of not less than fifty rupees, not being land assessed to land revenue, or has throughout that period owned malba of a house in the Province of not less than that value; or

(*c*) has, throughout the twelve months preceding the prescribed date, occupied as tenant immovable property in the constituency of an annual rental value of not less than thirty-six rupees.

Application necessary for enrolment in certain cases.

9. No person shall, by virtue of paragraph four, paragraph six or sub-paragraph (*a*) of paragraph eight of this Part of this Schedule, be included in the electoral roll for any territorial constituency unless application is made by him in the prescribed manner that he should be so included.

Interpretation, &c.

10.—(1) In this Schedule, in relation to the Punjab—

"annual rental value" in relation to immovable property means the amount for which the property together with its appurtenances and furniture, if any, is actually let, or may reasonably be expected to let, from year to year;

"land revenue" means land revenue as defined in sub-section (6) of section three of the Punjab Land Revenue Act, 1887, and, in the case of fluctuating land revenue or land revenue assessed on land subject to river action, the annual amount thereof shall be taken to be the average amount of land revenue paid during the three agricultural years preceding that in which the prescribed date falls;

(The Punjab.)

"land records" means attested records of rights or attested annual records of rights maintained under Chapter IV of the Punjab Land Revenue Act, 1887, and includes an order finally sanctioning a mutation duly passed under that Chapter;

"agricultural year" means a year ending on the thirtieth day of September;

"owner" does not include a mortgagee;

"tenant" in relation to agricultural land means a tenant as defined in the Punjab Tenancy Act, 1887, and in relation to other property means a person who holds that property by lease and is, or, but for a special contract, would be, liable to pay rent therefor, and in relation to a house not situate in military or police lines includes any person occupying the house rent free by virtue of any office, service or employment;

"zaildar," "inamdar," "sufedposh" and "lambardar" mean respectively persons appointed as such in accordance with rules for the time being in force under the Punjab Land Revenue Act, 1887, and do not include a substitute appointed temporarily for any such person.

(2) In computing for the purposes of this Part of this Schedule the period during which a person has owned any immovable property, any period during which it was owned by a person from whom he derives title by inheritance shall be taken into account.

(3) Any reference to immovable property, not being land assessed to land revenue, includes a reference to any building situated on land assessed to land revenue.

(4) Where property is held or payments are made by, or assessments are made on, the members of a Hindu joint family, and the respective shares of the members of the family are not specified in the land records or in any municipal or cantonment record or in a decree of a civil court, as the case may be, the family shall be adopted as the unit for deciding whether the requisite qualification exists, and, if it does exist, the person qualified shall be the manager of the family.

(5) Subject to the provisions of the last preceding subparagraph, any reference in this Schedule to land assessed to land revenue, to other immovable property, to a tenancy or lease of land assessed to land revenue or to assigned land revenue shall, in relation to any persons who are co-sharers in such land, property, tenancy or lease, or land revenue, be construed as a reference to the respective shares of those persons:

(The Punjab.)

Provided that the share of any person under the age of twenty-one years shall, if his father is alive and a co-sharer, be deemed to be added to the share of his father, and, if his father is dead and his eldest surviving brother is a co-sharer, be deemed to be added to the share of that brother.

(6) Not more than one person shall be qualified in respect of the occupation of a building occupied in common by two or more persons and any question which of those persons is to be qualified shall be determined in the prescribed manner.

PART VII.

BIHAR.

General requirement as to residence.

1.—(1) No person shall be qualified to be included in the electoral roll for a territorial constituency unless he resides in the constituency.

(2) A person shall be deemed to reside within a constituency if he ordinarily lives therein, or has his family dwelling therein which he occasionally occupies, or maintains therein a dwelling-house ready for occupation which he occasionally occupies.

Qualifications dependent on taxation.

2. Subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, a person shall be qualified to be included in the electoral roll for a territorial constituency if he was assessed during the previous financial year to income tax or was, in the previous financial year, assessed to an aggregate amount of not less than one rupee eight annas in respect of municipal tax or is assessed, otherwise than in the Santal Parganas, to chaukidari tax of an annual amount of not less than nine annas :

Provided that, in relation to the original preparation of electoral rolls and revisions thereof within three years from the commencement of Part III of this Act, this paragraph shall have effect as if there were substituted for the reference to nine annas a reference to twelve annas.

Qualifications dependent on property.

3. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll of any territorial constituency if he either—

(*a*) occupies land or buildings situate in the notified area of Jamshedpur in respect of which he is liable to pay an annual rent of not less than twenty-four rupees ; or

6th Sch.—*cont.* (Bihar.)

(*b*) holds land in the Province, not situated in the notified area of Jamshedpur or an area in which municipal tax or chaukidari tax is levied, for which he is liable to pay a rent of not less than six rupees per annum or a local cess of not less than three annas:

Provided that in relation to land within the Santal Parganas this paragraph shall have effect as if there were substituted for the reference to six rupees, in relation to the original preparation of electoral rolls and revisions thereof within three years from the commencement of Part III of this Act, a reference to five rupees, and thereafter a reference to three rupees eight annas.

Educational qualification.

4. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is proved, in the prescribed manner, to have passed the matriculation examination of any prescribed university or an examination prescribed as at least equivalent to any such examination or, if it is so prescribed, any other prescribed examination not lower than a final middle school examination.

Qualification by reason of service in His Majesty's forces.

5. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces.

Additional qualification for women.

6. Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency if she is the pensioned widow or pensioned mother of a person who was an officer, non-commissioned officer or soldier of His Majesty's regular military forces, or if her husband possesses the qualifications requisite for the purposes of this paragraph, or if she is shown in the prescribed manner to be literate:

Provided that, in relation to the original preparation of electoral rolls and revisions thereof within three years from the commencement of Part III of this Act, this paragraph shall have effect as if the words " or if she is shown in the prescribed manner to be literate " were omitted therefrom.

7. A husband shall be deemed to possess the qualifications requisite for the purposes of the last preceding paragraph if—

(*a*) in the previous financial year he was assessed to income tax; or

6TH SCH. —*cont.* (Bihar.)

(*b*) he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces; or

(*c*) he was in the previous financial year assessed in the Province to an aggregate amount of not less than three rupees in respect of municipal tax; or

(*d*) he is assessed in the Province, otherwise than in the Santal Parganas, to an annual sum of not less than two rupees eight annas in respect of chaukidari tax; or

(*e*) he occupies land or buildings situate in the notified area of Jamshedpur in respect of which he is liable to pay rent of not less than one hundred and forty-four rupees per annum; or

(*f*) he holds land in the Province, not situated in the notified area of Jamshedpur or an area in which municipal tax or chaukidari tax is levied, in respect of which he is liable to pay rent of not less than twenty-four rupees per annum or a local cess of not less than twelve annas.

Special provisions as to Muhammadan women's constituency.

8. No man shall be included in the electoral roll for, or be entitled to vote at any election in, any Muhammadan constituency specially formed for the election of a person to fill the seat reserved for women.

Interpretation, &c.

9.—(1) In this Schedule, in relation to Bihar—

"municipal tax" means a tax or rate levied in a municipality constituted under the Bihar and Orissa Municipal Act, 1922, in an area in respect of which a notification has issued under section three hundred and eighty-eight of that Act, or in a cantonment, or in the area administered by the Patna Administration Committee;

"chaukidari tax" means any tax levied under the Village Chaukidari Act, 1870, the Chota Nagpur Rural Police Act, 1914, or section thirty of the Bihar and Orissa Village Administration Act, 1922.

(2) Where property is held or payments are made jointly by, or assessments are made jointly on, the members of a joint family, the family shall be adopted as the unit for deciding whether the requisite qualification exists and, if it does exist, the person qualified shall be, in the case of a Hindu joint family, the manager thereof, and in other cases the member authorised in that behalf by the family themselves.

(Bihar.)

(3) Where property is held or payments are made jointly by, or assessments are made jointly on, persons other than the members of a joint family, all such persons shall be regarded as a single person for deciding whether the requisite qualification exists, and if it does exist, then, subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, one and one only of those persons shall be qualified and the person to be qualified shall be selected in the prescribed manner.

PART VIII.

THE CENTRAL PROVINCES AND BERAR.

General requirements as to residence.

1.—(1) No person shall be qualified to be included in the electoral roll for a territorial constituency unless, in the case of a rural constituency, he has a place of residence in the constituency, and, in the case of an urban constituency, he has a place of residence in, or within two miles from the boundary of, the constituency.

(2) For the purposes of this Part of this Schedule a person shall be deemed to have a place of residence in an area if and only if he either—

(*a*) has actually dwelt in a house within the area for not less than one hundred and eighty days in the aggregate during the previous financial year; or

(*b*) he has maintained a house within the area for an aggregate period of not less than one hundred and eighty days during that year as a dwelling for himself in charge of his dependants or servants, and has visited that house during that year.

Qualifications dependent upon taxation.

2. Subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, a person shall be qualified to be included in the electoral roll for a territorial constituency if in the previous financial year he either—

(*a*) was assessed to income tax; or

(*b*) was, in an urban area in the Province in which a municipal tax based on haisiyat is imposed, assessed to such a tax on a haisiyat of not less than seventy-five rupees.

6th Sch. —*cont.*

(The Central Provinces and Berar.)

Qualifications dependent on property, &c.

3. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll of a territorial constituency if he either—

(*a*) holds, in the Central Provinces, as a proprietor or thekadar, an estate or mahal the land revenue or kamil jama of which is not less than two rupees; or

(*b*) holds, in the Central Provinces, as a proprietor or thekadar in proprietary right, sir land or khudkasht, or, as a malik makbuza, raiyat or tenant, agricultural land, being sir land, khudkasht or agricultural land, the assessed or assessable land revenue or the rent of which is not less than two rupees; or

(*c*) holds, in Berar, in other than tenancy right, agricultural land of which the assessed or assessable land revenue is not less than two rupees; or

(*d*) is, in an urban area in the Province, the owner or tenant of a building, the annual rental value of which is not less than six rupees; or

(*e*) is a watandar patel or a watandar patwari holding office, or a registered deshmukh or deshpandia or a lambardar.

Educational qualification.

4. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is proved, in the prescribed manner, to have passed an examination which qualifies for admission to a course of study for a degree of the Nagpur University, or an examination prescribed as at least equivalent thereto, or, if it is so prescribed, any other prescribed examination not lower than a final middle school examination:

Provided that, in relation to a constituency in Berar, the foregoing provisions of this paragraph shall be deemed to be complied with in relation to any person if he is proved in the prescribed manner to have passed any examination in the State of Hyderabad prescribed as at least equivalent to an examination the passing of which qualifies persons under those provisions.

Qualification by reason of service in His Majesty's forces and the forces of His Exalted Highness the Nizam of Hyderabad.

5.—(1) Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces.

(The Central Provinces and Berar.)

(2) Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency in Berar if he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of the regular forces of His Exalted Highness the Nizam of Hyderabad, or a retired, pensioned or discharged officer or man of the Hyderabad State Police.

Additional qualification for women.

6.—(1) Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency—

(*a*) if she is the pensioned widow or pensioned mother of a person who was an officer, non-commissioned officer or soldier of His Majesty's regular military forces;

(*b*) if she is proved in the prescribed manner to be literate or to be the holder of a primary school certificate; or

(*c*) if her husband possesses the qualifications requisite for the purposes of this paragraph.

(2) Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency in Berar if she is the pensioned widow or pensioned mother of a person who was an officer, non-commissioned officer or soldier of the regular forces of His Exalted Highness the Nizam of Hyderabad, or an officer or man of the Hyderabad State Police.

7.—(1) A husband shall be deemed to possess the qualifications requisite for the purposes of the last preceding paragraph if he either—

(*a*) is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces; or

(*b*) holds, in the Central Provinces, as a proprietor or thekadar, an estate or mahal the land revenue or kamil jama of which is not less than thirty-five rupees; or

(*c*) holds, in the Central Provinces, as a proprietor or thekadar in proprietary right, sir land or khudkasht, or as a malik makbuza, raiyat or tenant, agricultural land, being sir land, khudkasht or agricultural land, the assessed or assessable land revenue or rent of which is not less than thirty-five rupees; or

(*d*) holds, in Berar, in other than tenancy right, agricultural land of which the assessed or assessable land revenue is not less than thirty-five rupees; or (*e*) is, in an urban area, the owner or tenant of a building of which the annual rental value is not less than thirty-six rupees; or

(*f*) was, in an urban area in which a municipal tax based on haisiyat is imposed, assessed in the previous financial year to such a tax on a haisiyat of not less than four hundred rupees.

(2) In relation to any territorial constituency in Berar, a husband shall also be deemed to possess the qualifications requisite for the purposes of the last preceding paragraph if he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of the regular forces of His Exalted Highness the Nizam of Hyderabad, or a retired, pensioned or discharged officer or man of the Hyderabad State Police.

Additional qualification for members of scheduled castes.

8. Subject as aforesaid, a member of a scheduled caste shall also be qualified to be included in the electoral roll for any territorial constituency if he is a kotwar, a jaglia, or a village mahar holding office.

Application necessary for enrolment in certain cases.

9. No person shall, by virtue of paragraph four of this Part of this Schedule, or by virtue of being a pensioned widow or mother, or of being literate or the holder of a primary school certificate, or of being the wife of an officer, non-commissioned officer, soldier or man of any force, be included in the electoral roll for any territorial constituency unless application is made in the prescribed manner by him or, if it is so prescribed, on his behalf, that he should be so included.

Interpretation, &c.

10.—(1) In this Schedule, in relation to the Central Provinces and Berar—

"building" means any structure or enclosure, whether used as a human dwelling or otherwise, and includes a part of a building;

"estate," "mahal," "malik makbuza," "kamil jama," "sir land" and "khudkasht" have the meanings respectively assigned to them in section two of the Central Provinces Land Revenue Act, 1917;

"estate or mahal" includes a part of an estate or a mahal;

(The Central Provinces and Berar.)

"lambardar" means a lambardar appointed under the provisions of the Central Provinces Land Revenue Act, 1917;

"land revenue" means land revenue as defined in section fifty-six of the Central Provinces Land Revenue Act, 1917, and in section forty-nine of the Berar Land Revenue Code, 1928;

"proprietor" includes an inferior proprietor and a plot proprietor, but does not include a transferee of proprietary rights in possession, or a mortgagee with possession;

"raiyat" means the holder of a survey number as defined in subsection (18) of section two of the Central Provinces Land Revenue Act, 1917, and includes the holder of land recorded in the land records maintained by the Provincial Government as milkiyat sarkar;

"registered deshmukh or deshpandia" means a person, being a deshmukh or deshpandia, whose name is recorded in the registers of political pensions maintained by the Deputy Commissioners in Berar as the holder of a pension or share of a pension;

"rental value," in relation to immovable property, means the amount for which the property, together with its appurtenances and furniture, if any, is actually let, or may reasonably be expected to be let, from year to year;

"tenant," in relation to agricultural land, means a tenant as defined in subsection (11) of section two of the Central Provinces Tenancy Act, 1920, but does not include a sub-tenant, and in relation to a house not situate in military or police lines includes any person occupying the house rent free by virtue of any office, service or employment;

"thekadar" includes a gaontia and a protected headman;

"hold" in relation to land or an estate or mahal, means to be recorded in the records maintained under Chapter V of the Central Provinces Land Revenue Act, 1917, or Chapter X of the Berar Land Revenue Code, 1928, or, in the case of the Melghat Taluq of the Amraoti District, in the land records prescribed by the Provincial Government, as the person in possession of the land, estate or mahal;

6TH SCH. —*cont.*

(The Central Provinces and Berar.)

"urban area" means a municipality, notified area or cantonment, and includes the Government gun carriage factory estate at Jubbulpore and any prescribed railway settlements;

"watandar patel" and "watandar patwari" mean respectively a patel and a patwari appointed under section five of the Berar Patels and Patwaris Law, 1900.

(2) For the purposes of this Part of this Schedule ante-alienation tenants as defined in section seventy-two of the Berar Land Revenue Code, 1928, and section forty of the Berar Alienated Villages Tenancy Law, 1921, permanent tenants as defined in section forty-seven of the Berar Alienated Villages Tenancy Law, 1921, and tenants of antiquity as defined in section seventy-three of the Berar Land Revenue Code, 1928, shall be deemed to hold agricultural land in other than tenancy right.

(3) Subject to the provisions of the next succeeding sub-paragraph, the provisions of this Part of this Schedule shall have effect in relation to any persons who are co-sharers in, or in a tenancy or lease of, land or other immovable property as if the respective shares of those persons in the land, property, tenancy or lease were held separately.

(4) Where property is held or payments are made jointly by the members of a joint family or a tax is assessed jointly on the members of a joint family, the family shall be adopted as the unit for deciding whether the requisite qualification exists, and if it does exist, the person qualified shall be, in the case of a Hindu joint family, the manager thereof, and in other cases the member authorised in that behalf by the family themselves.

(5) Any reference in this Part of this Schedule to a retired, pensioned or discharged officer or man of the Hyderabad State Police shall be deemed not to include a reference to any person who has been dismissed or discharged from the police for disciplinary reasons.

PART IX.

ASSAM.

General requirement as to residence.

1. No person shall be qualified to be included in the electoral roll for a territorial constituency unless he has a place of residence in the constituency, and a person shall be deemed to have a place of residence in a constituency if he ordinarily lives in the constituency or has his family dwelling place in the constituency and occasionally occupies it:

6th Sch. —*cont.* (Assam.)

Provided that in relation to the European constituency the provisions of this paragraph shall be deemed to be complied with in relation to any person if he is actually employed anywhere in Assam but is absent from Assam on leave from his employment.

Qualifications dependent on taxation.

2. Subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, a person shall be qualified to be included in the electoral roll for any territorial constituency if, in the previous financial year, he either—

(*a*) was assessed to income tax; or

(*b*) was in the constituency assessed in respect of municipal or cantonment rates or taxes to an aggregate amount of not less than two rupees or, in the Sylhet municipality, of not less than one rupee eight annas, or to a tax of not less than one rupee in a Small Town, or, in the district of Sylhet, the district of Cachar or the district of Goalpara, to a tax of not less than eight annas under the Village Chaukidari Act, 1870.

Qualifications dependent on property.

3. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if, in the constituency, he either—

(*a*) is the owner of land the land revenue on which has been assessed or is assessable at not less than seven rupees eight annas per annum; or

(*b*) is liable to pay a local rate of not less than eight annas per annum; or

(*c*) throughout the previous financial or previous Bengali year held from a landlord land in any of the following districts, that is to say, Lakhimpur, Sibsagar, Darrang, Nowgong or Kamrup, or in the Garo Hills, and paid to the landlord rent to the value of not less than seven rupees eight annas in respect of that land:

Provided that for the purposes of this paragraph land situate, and local rates levied, in the districts of Sylhet, Cachar and Goalpara shall be left out of account.

Educational qualification.

4. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is proved in the prescribed manner to have passed the middle school leaving certificate examination or any other examination prescribed as at least equivalent thereto.

6th Sch. —*cont.* (Assam.)

Qualification by reason of service in His Majesty's forces.

5. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is a retired, pensioned or discharged officer, non-commissioned officer, or soldier of His Majesty's regular military forces or the Assam Rifles.

Additional qualification for women.

6. Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency if she is the pensioned widow or pensioned mother of a person who was an officer, non-commissioned officer or soldier of His Majesty's regular military forces or the Assam Rifles, or if she is proved in the prescribed manner to be literate, or if her husband possesses the qualifications requisite for the purposes of this paragraph.

7. A husband shall be deemed to possess the qualifications requisite for the purposes of the last preceding paragraph if he—

(*a*) is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces or the Assam Rifles; or

(*b*) was in the previous financial year assessed to income tax; or

(*c*) was in the previous financial year assessed in the constituency in respect of municipal or cantonment rates or taxes—

(i) in the Nowgong municipality, to not less than two rupees; or

(ii) in the Sylhet municipality, to not less than one rupee eight annas; or

(iii) elsewhere in the Province, to not less than three rupees; or

(*d*) was in the constituency assessed in the previous financial year to a tax of not less than one rupee in a Small Town; or

(*e*) was in the constituency assessed in the previous financial year in the district of Sylhet, the district of Cachar or the district of Goalpara to a tax of not less than one rupee under the Village Chaukidari Act, 1870; or

(*f*) elsewhere than in the said districts, is the owner of land in the constituency, the land revenue on which has been assessed or is assessable at not less than fifteen rupees per annum; or

(*g*) is liable to pay a local rate in the constituency of not less than one rupee per annum.

(Assam.)

Application necessary for enrolment in certain cases.

8. No person shall, by virtue of paragraph six of this Part of this Schedule, be included in the electoral roll for any territorial constituency unless application is made in the prescribed manner by her, or, if it is so prescribed, on her behalf, that she should be so included:

Provided that, except in relation to the original preparation of electoral rolls and revisions thereof within three years from the commencement of Part III of this Act, this paragraph shall, in relation to women qualified by virtue of their husbands' qualifications, have effect only where the husband's qualification is that mentioned in sub-paragraph (*a*) of paragraph seven of this Part of this Schedule.

Special provisions as to seat reserved for women.

9. The following provisions shall have effect in relation to any constituency specially formed for the election of persons to fill the seat reserved for women—

(*a*) no man shall be included in the electoral roll for the constituency, or be entitled to vote at any election therein;

(*b*) if and so long as the constituency comprises any part of Shillong, any reference in this Part of this Schedule to "the constituency" shall be construed as including a reference to so much of the areas under the jurisdiction of the Shillong municipal Board and the Shillong cantonment authority as is not part of British India, and any reference to municipal or cantonment rates or taxes shall be construed as including a reference to any such rates or taxes assessed by or paid to that board or that authority in the exercise of any jurisdiction exercised by them in relation to areas outside British India.

Special provisions as to backward areas and backward tribes.

10. No person who is entitled to vote in the election of a person to fill any of the seats to be filled by representatives of backward areas or backward tribes, or is entitled to be included in the electoral roll for any constituency formed for the purpose of filling any such seat, shall be included in the electoral roll for any territorial constituency in the Province, other than any constituency specially formed for the election of persons to fill the seat reserved for women.

Interpretation, &c.

11.—(1) In this Schedule, in relation to Assam—

"Small Town" means a notified area constituted under Chapter XII of the Assam Municipal Act I of 1923;

"Bengali year" means a year ending on the last day of the Bengali month of Chaitra;

(Assam.)

"local rate" means the local rate assessed under the Assam Local Rates Regulation, 1879;

"landlord" means a person under whom another person holds land immediately, but does not include the Government;

"rent" includes rent in kind or partly in kind.

(2) Where property is held or payments are made jointly by, or assessments are made jointly on, the members of a joint family, the family shall be adopted as the unit for deciding whether the necessary qualification exists, and if it does exist the person qualified shall be, in the case of a Hindu joint family, the manager thereof, and in other cases the member authorised in that behalf by the family themselves:

Provided that any other member of any such family shall also be qualified if the proportion of the joint property, payment or assessment which corresponds with his share therein would be sufficient for him to be qualified if he held it separately.

PART X.

THE NORTH WEST FRONTIER PROVINCE.

General requirement as to residence.

1. No person shall be qualified to be included in the electoral roll for any territorial constituency unless he is resident in the constituency.

For the purposes of this Part of this Schedule proof that a person or, in the case of a woman, her husband owns a family dwelling-house or a share in a family dwelling-house in a constituency and that that house has not during the twelve months preceding the prescribed date been let on rent either in whole or in part shall be sufficient evidence that that person is resident in the constituency.

Qualifications dependent on taxation.

2. Subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, a person shall be qualified to be included in the electoral roll for any territorial constituency if during the previous financial year, he was either—

(*a*) assessed to income tax; or

(*b*) assessed in the Province in respect of any direct municipal or cantonment tax to an amount of not less than fifty rupees; or

(*c*) in the case of a rural constituency, assessed to district board tax of not less than two rupees.

Qualifications dependent on rights in property, &c.

6th Sch. —*cont.* (The North West Frontier Province.)

3. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if, in the Province, he either—

(*a*) owned throughout the twelve months preceding the prescribed date immovable property of the value of not less than six hundred rupees, not being land assessed to land revenue; or

(*b*) has for the twelve months preceding the prescribed date occupied as a tenant immovable property of an annual rental value of not less than forty-eight rupees, not being land assessed to land revenue; or

(*c*) is the owner of not less than six acres irrigated land or not less than twelve acres unirrigated land or of land assessed to land revenue of not less than five rupees per annum; or

(*d*) is the assignee of land revenue amounting to not less than ten rupees per annum; or

(*e*) has been for the whole of the preceding fasli year the tenant of not less than six acres of irrigated land or not less than twelve acres unirrigated land; or

(*f*) is a zaildar, inamdar or lambardar:

Provided that for the purposes of sub-paragraph (*c*) and sub-paragraph (*e*) of this paragraph a person shall be deemed to own or, as the case may be, to have been the tenant of, at least six acres of irrigated land if he owns, or, as the case may be, was the tenant of, irrigated and unirrigated land and the sum of the area of that irrigated land and half the area of that unirrigated land is not less than six acres.

Educational qualification.

4. Subject as aforesaid, a person shall also be qualified to be included—

(*a*) in the electoral roll for any urban constituency, if he is proved in the prescribed manner to have passed a middle school examination or any other examination prescribed as at least equivalent to that examination;

(*b*) in the electoral roll for a rural constituency, if he is proved in the prescribed manner to have passed the primary (fourth class) examination or any other examination prescribed as at least equivalent to that examination.

6th Sch. —*cont.* (The North West Frontier Province.)

Qualification by reason of service in His Majesty's forces.

5. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces.

Additional qualification for women.

6. Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency if she is the pensioned widow or the pensioned mother of a person who was an officer, non-commissioned officer or soldier of His Majesty's regular military forces, or if her husband possesses the qualifications requisite for the purposes of this paragraph or if she is shown in the prescribed manner to be literate :

Provided that, in relation to the original preparation of electoral rolls and revisions thereof within three years from the commencement of Part III of this Act, this paragraph shall have effect as if the words " or if she is shown in the prescribed manner to be literate " were omitted therefrom.

7. A husband shall be deemed to possess the qualifications requisite for the purposes of the last preceding paragraph if either—

(*a*) he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces ; or

(*b*) he has an income of at least forty rupees per month ; or

(*c*) he was during the previous financial year assessed to income tax ; or

(*d*) in relation to an urban constituency, he was, during the previous financial year, assessed in the Province in respect of any direct municipal or cantonment tax to an amount of not less than fifty rupees ; or

(*e*) in relation to a rural constituency, he was during the preceding financial year assessed in the Province in respect of any cess, rate or tax to an amount of not less than four rupees per annum payable to the district board ; or

(*f*) he owned throughout the twelve months preceding the prescribed date immovable property in the Province of the value of not less than six hundred rupees, not being land assessed to land revenue ; or

6th Sch. —*cont.* (The North West Frontier Province.)

(*g*) he occupied as a tenant throughout the twelve months preceding the prescribed date immovable property in the Province of an annual rental value of not less than forty-eight rupees, not being land assessed to land revenue; or

(*h*) he is the owner of land in the Province assessed to land revenue of not less than ten rupees per annum; or

(*i*) he is an assignee of land revenue in the Province amounting to not less than twenty rupees per annum; or

(*j*) he is a tenant or lessee, under the terms of a written lease for a period of not less than three years, of land in the Province assessed to land revenue of not less than ten rupees per annum; or

(*k*) he is a tenant with a right of occupancy, as defined in Chapter II of the Punjab Tenancy Act, 1887, in respect of land in the Province assessed to land revenue of not less than ten rupees per annum.

Application necessary for enrolment in certain cases.

8. No person shall, by virtue of paragraph four or paragraph six of this Part of this Schedule, be included in the electoral roll for any territorial constituency unless application is made by him in the prescribed manner that he should be so included.

Interpretation, &c.

9.—(1) In this Schedule, in relation to the North West Frontier Province—

"annual rental value," in relation to immovable property, means the amount for which the property, together with its appurtenances and furniture, if any, is actually let, or may reasonably be expected to be let, from year to year;

"fasli year" means a year ending on the thirtieth day of September;

"land revenue" means land revenue as defined in sub-section (6) of section three of the Punjab Land Revenue Act, 1887, and, in the case of fluctuating land revenue or land revenue assessed on land subject to river action, the annual amount thereof shall be taken to be the average amount paid during the three years preceding the prescribed date;

"zaildar," "inamdar" and "lambardar" mean respectively persons appointed as such in accordance with rules for the time being in force under the Punjab Land Revenue Act, 1887, and do not include a substitute appointed temporarily for any such person;

6TH SCH. —*cont.* (The North West Frontier Province.)

"tenant" in relation to agricultural land means a tenant as defined in the Punjab Tenancy Act, 1887, and in relation to other property, means a person who holds that property by lease and is, or, but for a special contract, would be, liable to pay rent therefor, and in relation to a house not situate in military or police lines includes any person occupying the house rent free by virtue of any office, service or employment.

(2) In computing for the purposes of this Part of this Schedule the period during which a person has owned any immovable property, any period during which it was owned by a person from whom he derives title by inheritance shall be taken into account.

(3) Any reference to immovable property, not being land assessed to land revenue, includes a reference to any building situated on land assessed to land revenue.

(4) Where property is held or payments are made jointly by, or assessments are made jointly on, the members of a joint family, the family shall be adopted as the unit for deciding whether the requisite qualification exists and, if it does exist, the person qualified shall be, in the case of a Hindu joint family the manager thereof, and in other cases the member authorised in that behalf by the family themselves.

(5) Subject to the provisions of the last preceding sub-paragraph, any reference in this Schedule to land assessed to land revenue, to other immovable property, to a tenancy or lease of land assessed to land revenue or to assigned land revenue, shall, in relation to any persons who are co-sharers in such land, property, tenancy or lease, or land revenue, be construed as a reference to the respective shares of those persons :

Provided that the share of any person under the age of twenty-one years shall, if his father is alive and a co-sharer, be deemed to be added to the share of his father, and, if his father is dead and his eldest surviving brother is a co-sharer, be deemed to be added to the share of that brother.

PART XI.

ORISSA.

General requirements as to residence.

1. No person shall be qualified to be included in the electoral roll for a territorial constituency unless he is resident in the constituency, and a person shall be deemed to be resident within a constituency if he ordinarily lives therein or has his family dwelling therein which he occasionally occupies, or maintains therein a dwelling-house ready for occupation which he occasionally occupies.

Qualifications applicable to all territorial constituencies.

6th Sch. —cont. (Orissa.)

2. Subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, a person shall be qualified to be included in the electoral roll for any territorial constituency if in the previous financial year he was assessed to income tax, or was assessed to an aggregate amount of not less than one rupee, eight annas, in respect of municipal taxes.

3. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is proved, in the prescribed manner, to have passed the matriculation examination of any prescribed university or an examination prescribed as at least equivalent to any such examination, or, if it is so prescribed, any other prescribed examination not lower than a final middle school examination.

4. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces.

5. Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency—

(*a*) if she is the pensioned widow or pensioned mother of a person who was an officer, non-commissioned officer or soldier of His Majesty's regular military forces; or

(*b*) if her husband either is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces, or in the previous financial year was assessed to income tax or to an aggregate sum of not less than three rupees in respect of municipal taxes; or

(*c*) if she is shown in the prescribed manner to be literate :

Provided that, in relation to the original preparation of electoral rolls and revisions thereof within three years from the commencement of Part III of this Act, this paragraph shall have effect as if sub-paragraph (*c*) were omitted therefrom.

Special provisions as to the districts of Cuttack, Puri, Balasore and the sub-division of Angul.

6. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for a constituency situated wholly or partly in the districts of Cuttack, Puri and Balasore and the sub-division of Angul if he either—

(*a*) is assessed to chaukidari tax of an annual amount of not less than nine annas; or

6TH SCH. —*cont.*

(Orissa.)

(*b*) holds land in the Province, not situated in a municipality or an area in which chaukidari tax is levied, for which he is liable to pay rent or land revenue of not less than two rupees per annum or a local cess of not less than one anna :

Provided that, in relation to the original preparation of electoral rolls and revisions thereof within three years from the commencement of Part III of this Act, this paragraph shall have effect as if there were substituted for the reference to nine annas a reference to twelve annas.

7. Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any such constituency as is mentioned in the last preceding paragraph if she is the wife of any person who either—

(*a*) is assessed to chaukidari tax of an annual amount of not less than two rupees, eight annas ; or

(*b*) holds land in the Province, not situated in a municipality or in an area in which chaukidari tax is levied, for which he is liable to pay rent or land revenue of not less than sixteen rupees per annum or local cess of not less than eight annas.

Special provisions as to the districts of Ganjam and Vizagapatam and the Khondmals sub-division.

8. Subject as aforesaid, a person, not being a member of a backward tribe, shall also be qualified to be included in the electoral roll for a constituency situated wholly or partly in the districts of Ganjam and Vizagapatam or in the Khondmals sub-division—

(*a*) if in either of those districts or in that sub-division he holds land, not situate in a municipality, in respect of which he is liable to pay rent or land revenue of not less than two rupees per annum ; or

(*b*) without prejudice to the generality of the foregoing provisions, if, being a woman, she is the wife of a person who in either of those districts or in that sub-division holds land, not situate in a municipality, in respect of which he is liable to pay rent or land revenue of not less than sixteen rupees per annum.

Special provision as to the district of Sambalpur.

9. Subject as aforesaid, a person shall be qualified to be included in the electoral roll for any constituency situated wholly or partly in the district of Sambalpur if, in that district, he either—

(*a*) holds land, not situated in a municipality or a sanitation area, for which he is liable to pay rent or land revenue

(Orissa.)

of not less than one rupee per annum or village cess of not less than one anna; or

(*b*) is in occupation of a house for which he is liable to pay rent of not less than six rupees per annum, not being a house in a municipality or sanitation area; or

(*c*) is assessed to an annual tax of at least twelve annas under the Central Provinces Sanitation Act, 1902, or the Central Provinces Village Sanitation and Public Management Act, 1920; or

(*d*) is a village servant holding office as a jhankar, ganda, kotwar, jagalia or mahar, and holds land recorded in the record of rights as service land:

Provided that, in relation to the original preparation of electoral rolls and revisions thereof within three years from the commencement of Part III of this Act, this paragraph shall have effect as if for the references in sub-paragraph (*a*) thereof to one rupee and one anna there were substituted respectively references to two rupees and two annas.

10. Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for a constituency situated wholly or partly in the district of Sambalpur if she is the wife of a person who, in that district, either—

(*a*) holds land not situated in a municipality or a sanitation area, for which he is liable to pay rent or land revenue of not less than sixteen rupees per annum or village cess of not less than eight annas; or

(*b*) is in occupation of a house for which he is liable to pay an annual rent of not less than thirty rupees, not being a house in a municipality or sanitation area; or

(*c*) is assessed to an annual tax of not less than ten rupees under the Central Provinces Sanitation Act, 1902, or the Central Provinces Village Sanitation and Public Management Act, 1920.

Interpretation, &c.

11.—(1) In this Schedule, in relation to Orissa—

"backward tribe" has the same meaning as in the Fifth Schedule to this Act;

"municipality" means an area constituted a municipality under the Bihar and Orissa Municipal Act, 1922, or the Madras District Municipalities Act, 1920, or an area in respect of which a notification has issued under section three hundred and eighty-eight of the Bihar and Orissa Municipal Act, 1922;

(Orissa.)

"municipal tax" means a tax or rate levied in a municipality;

"sanitation area" means an area administered under the Central Provinces Village Sanitation Act, 1902, or the Central Provinces Village Sanitation and Public Management Act, 1920;

"chaukidari tax" means a tax levied under the Village Chaukidari Act, 1870, under section thirty of the Bihar and Orissa Village Administration Act, 1922, or under section forty-seven of the Angul Laws Regulation, 1913.

(2) Where property is held or payments are made jointly by, or assessments made jointly on, the members of a joint family, the family shall be adopted as the unit for deciding whether the requisite qualification exists, and if it does exist the person qualified shall be, in the case of a Hindu joint family, the manager thereof, and in other cases the member authorised in that behalf by the family themselves.

(3) Where property is held or payments are made jointly by, or assessments are made jointly on, persons other than the members of a joint family, all such persons shall be regarded as a single person for deciding whether the requisite qualification exists, and if it does exist, then, subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule one and one only of those persons shall be qualified, and the persons to be qualified shall be selected in the prescribed manner.

PART XII.

SIND.

General requirement as to residence.

1. No person shall be qualified to be included in the electoral roll for a territorial constituency unless he satisfies the requirement as to residence in relation to that constituency.

For the purposes of this Part of this Schedule a person shall be deemed to satisfy the requirement as to residence—

(*a*) in relation to an urban constituency, if he has for a period of not less than one hundred and eighty days in the previous financial year resided in a house in the constituency or within two miles of the boundary thereof;

(*b*) in the case of a rural constituency, if he has for a period of not less than one hundred and eighty days in the previous financial year resided in a house in the constituency or in a contiguous constituency of the same communal description:

Provided that a person shall be deemed to satisfy the requirement as to residence in relation to any European territorial constituency if he has, for a period of not less than one hundred and eighty days in the previous financial year, resided in a house in the Province.

A person is deemed to reside in a house if he sometimes uses it as a sleeping place, and a person is not deemed to cease to reside in a house merely because he is absent from it, or has another dwelling in which he resides, if he is at liberty to return to the house at any time and has not abandoned his intention of returning.

Qualifications dependent on taxation.

2. Subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, a person shall be qualified to be included in the electoral roll for any territorial constituency, if he was assessed during the previous financial year to income tax.

Qualifications dependent on property.

3. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he—

(*a*) holds in his own right or occupies as a permanent tenant or as a lessee from the Government alienated or unalienated land in the constituency on which, in any one of the five revenue years preceding that in which the prescribed date falls, an assessment of not less than eight rupees land revenue has been paid, or would have been paid if the land had not been alienated; or

(*b*) cultivates as a Hari alienated or unalienated land in the constituency on which in the revenue year preceding that in which the prescribed date falls an assessment of not less than sixteen rupees land revenue has been leviable, or would have been leviable if the land had not been alienated; or

(*c*) is the alienee of the right of the Government to the payment of rent or land revenue amounting to not less than eight rupees in respect of alienated land in the constituency; or

(*d*) occupies as owner or tenant in the constituency a house or building situate in the city of Karachi or in any municipal borough, municipal district, cantonment or notified area, and having at least the appropriate value.

Where land is cultivated by more than one Hari, only one Hari for every sixteen rupees of land revenue shall be treated as qualified under sub-paragraph (*b*) of this paragraph in respect of that land, and any question which of several Haris shall be treated

6TH SCH. —cont. (Sind.)

as qualified under this paragraph in respect of any land shall be determined in the prescribed manner.

In sub-paragraph (*d*) of this paragraph, the expression " the appropriate value " means—

(i) in relation to a house or building situate within the city of Karachi, an annual rental value of thirty rupees;

(ii) in relation to a house or building situate outside the city of Karachi but in an area in which a tax is based on the annual rental value of houses or buildings, an annual rental value of eighteen rupees;

(iii) in relation to any other house or building, a capital value of seven hundred and fifty rupees.

Educational qualification.

4. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is proved in the prescribed manner to have passed the matriculation or school leaving examination of the university of Bombay or an examination prescribed as at least equivalent to either of those examinations or, if it is so prescribed, any other prescribed examination, not being lower than a vernacular final examination.

Qualification by reason of service in His Majesty's forces.

5. Subject as aforesaid, a person shall also be qualified to be included in the electoral roll for any territorial constituency if he is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces.

Additional qualification for women.

6. Subject as aforesaid, a person who is a woman shall also be qualified to be included in the electoral roll for any territorial constituency, if she is the pensioned widow or the pensioned mother of a person who was an officer, non-commissioned officer or soldier of His Majesty's regular military forces, or if she is proved in the prescribed manner to be literate, or if her husband possesses the qualifications requisite for the purposes of this paragraph.

7. A husband shall not be deemed to possess the qualifications requisite for the purposes of the last preceding paragraph unless he satisfies the requirement as to residence in relation to the constituency in question, but, subject as aforesaid a husband shall be deemed to possess the said qualifications if he—

(*a*) was in the previous financial year assessed to income tax; or (*b*) is a retired, pensioned or discharged officer, non-commissioned officer, or soldier of His Majesty's regular military forces; or

(*c*) holds in his own right or occupies as a permanent tenant or as a lessee from the Government alienated or unalienated land in the constituency on which, in any one of the five revenue years preceding that in which the prescribed date falls, an assessment of land revenue amounting, in the Upper Sind Frontier district, to not less than sixteen rupees, and, elsewhere, to not less than thirty-two rupees, has been paid, or would have been paid if the land had not been alienated; or

(*d*) is the alienee of the right of the Government to the payment of rent or land revenue in respect of alienated land in the constituency, amounting, in the Upper Sind Frontier district, to not less than sixteen rupees, and, elsewhere, to not less than thirty-two rupees; or

(*e*) occupies as owner or tenant in the constituency a house or building situate in the city of Karachi or in a municipal borough, municipal district, cantonment or notified area, and having at least the appropriate value.

In sub-paragraph (*e*) of this paragraph, the expression " appropriate value " means—

(i) in relation to a house or building within the city of Karachi, an annual rental value of sixty rupees;

(ii) in relation to a house or building situate in any other area in which any tax is based on the annual rental value of houses or buildings, an annual rental value of thirty-six rupees; and

(iii) in relation to any other house or building, a capital value of one thousand five hundred rupees.

Application necessary for enrolment in certain cases.

8. No person shall by virtue of paragraph four or paragraph six of this Part of this Schedule be included in the electoral roll for any territorial constituency unless application is made in the prescribed manner by him, or, if it is so prescribed, on his behalf that he should be so included.

Provisions as to joint property, &c.

9.—(1) Subject to the provisions of this paragraph, any reference in this Part of this Schedule to land or other immovable property, or to rent or land revenue in respect of alienated land, shall, in relation to any persons who are co-sharers in such land, property, rent or land revenue, be construed as a reference to the respective shares of those persons.

6th Sch. —*cont.* (Sind.)

(2) Where two or more persons occupy any house, the rental value of the house shall, in relation to each of those persons, be deemed to be the rental value thereof divided by the number of those persons.

(3) Where property is owned, held or occupied, or payments are made, jointly by, or assessments are made jointly on, the members of a joint family, and the property, payments or assessments would qualify a person if they had been owned, held, occupied or made by or on him solely, then, subject to the provisions of Part I of this Schedule and to any overriding provisions of this Part of this Schedule, one member of the family shall be qualified in respect of the property, payment or assessment, and that person shall be, in the case of a Hindu joint family, the manager thereof and in other cases the member authorised in that behalf by the family themselves.

Save as aforesaid any property owned, held or occupied or payments made jointly by, or assessments made jointly on, the members of a joint family, shall be left out of account for the purposes of this Part of this Schedule.

(4) Nothing in this paragraph affects the provisions of Part I of this Schedule relating to partners in firms assessed to income tax or the provisions of this Part of this Schedule relating to Haris.

Interpretation, &c.

10.—(1) In this Schedule, in relation to Sind—

"tenant" means a lessee whether holding under an Instrument or under an oral agreement, and includes a mortgagee of a tenant's rights with possession, and, in relation to a house not situate in military or police lines, also includes any person occupying the house rent free by virtue of any office, service or employment;

"holder" means a person lawfully in possession of land, whether his possession is actual or not, and "hold" shall be construed accordingly.

(2) The value of any machinery, furniture or equipment contained in or situate upon any house or building shall not be included in estimating for the purposes of this Part of this Schedule the rental value or the capital value of the house or building.

(3) In computing for the purposes of this Part of this Schedule the assessable value of any land, regard shall be had to the average rate of assessment on assessed land in the same village or, if there is no such land in the same village, the average rate of assessment on assessed land in the nearest village containing assessed land.

SEVENTH SCHEDULE.

Sections 100, 104.

LEGISLATIVE LISTS.

LIST I.

FEDERAL LEGISLATIVE LIST.

1. His Majesty's naval, military and air forces borne on the Indian establishment and any other armed force raised in India by the Crown, not being forces raised for employment in Indian States or military or armed police maintained by Provincial Governments; any armed forces which are not forces of His Majesty, but are attached to or operating with any of His Majesty's naval, military or air forces borne on the Indian establishment; central intelligence bureau; preventive detention in British India for reasons of State connected with defence, external affairs, or the discharge of the functions of the Crown in its relations with Indian States.

2. Naval, military and air force works; local self-government in cantonment areas (not being cantonment areas of Indian State troops), the regulation of house accommodation in such areas, and, within British India, the delimitation of such areas.

3. External affairs; the implementing of treaties and agreements with other countries; extradition, including the surrender of criminals and accused persons to parts of His Majesty's dominions outside India.

4. Ecclesiastical affairs, including European cemeteries.

5. Currency, coinage and legal tender.

6. Public debt of the Federation.

7. Posts and telegraphs, including telephones, wireless, broadcasting, and other like forms of communication; Post Office Savings Bank.

8. Federal Public Services and Federal Public Service Commission.

9. Federal pensions, that is to say, pensions payable by the Federation or out of Federal revenues.

10. Works, lands and buildings vested in, or in the possession of, His Majesty for the purposes of the Federation (not being naval, military or air force works), but, as regards property situate in a Province, subject always to Provincial legislation,

save in so far as Federal law otherwise provides, and, as regards property in a Federated State held by virtue of any lease or agreement with that State, subject to the terms of that lease or agreement.

11. The Imperial Library, the Indian Museum, the Imperial War Museum, the Victoria Memorial, and any similar institution controlled or financed by the Federation.

12. Federal agencies and institutes for the following purposes, that is to say, for research, for professional or technical training, or for the promotion of special studies.

13. The Benares Hindu University and the Aligarh Muslim University.

14. The Survey of India, the Geological, Botanical and Zoological Surveys of India; Federal meteorological organisations.

15. Ancient and historical monuments; archæological sites and remains.

16. Census.

17. Admission into, and emigration and expulsion from, India, including in relation thereto the regulation of the movements in India of persons who are not British subjects domiciled in India, subjects of any Federated State, or British subjects domiciled in the United Kingdom; pilgrimages to places beyond India.

18. Port quarantine; seamen's and marine hospitals, and hospitals connected with port quarantine.

19. Import and export across customs frontiers as defined by the Federal Government.

20. Federal railways; the regulation of all railways other than minor railways in respect of safety, maximum and minimum rates and fares, station and service terminal charges, interchange of traffic and the responsibility of railway administrations as carriers of goods and passengers; the regulation of minor railways in respect of safety and the responsibility of the administrations of such railways as carriers of goods and passengers.

21. Maritime shipping and navigation, including shipping and navigation on tidal waters; Admiralty jurisdiction.

22. Major ports, that is to say, the declaration and delimitation of such ports, and the constitution and powers of Port Authorities therein.

23. Fishing and fisheries beyond territorial waters.

7TH SCH. —*cont.*

24. Aircraft and air navigation; the provision of aerodromes; regulation and organisation of air traffic and of aerodromes.

25. Lighthouses, including lightships, beacons and other provision for the safety of shipping and aircraft.

26. Carriage of passengers and goods by sea or by air.

27. Copyright, inventions, designs, trademarks and merchandise marks.

28. Cheques, bills of exchange, promissory notes and other like instruments.

29. Arms; firearms; ammunition.

30. Explosives.

31. Opium, so far as regards cultivation and manufacture, or sale for export.

32. Petroleum and other liquids and substances declared by Federal law to be dangerously inflammable, so far as regards possession, storage and transport.

33. Corporations, that is to say, the incorporation, regulation and winding-up of trading corporations, including banking, insurance and financial corporations, but not including corporations owned or controlled by a Federated State and carrying on business only within that State or co-operative societies, and of corporations, whether trading or not, with objects not confined to one unit.

34. Development of industries, where development under Federal control is declared by Federal law to be expedient in the public interest.

35. Regulation of labour and safety in mines and oilfields.

36. Regulation of mines and oilfields and mineral development to the extent to which such regulation and development under Federal control is declared by Federal law to be expedient in the public interest.

37. The law of insurance, except as respects insurance undertaken by a Federated State, and the regulation of the conduct of insurance business, except as respects business undertaken by a Federated State; Government insurance, except so far as undertaken by a Federated State, or, by virtue of any entry in the Provincial Legislative List or the Concurrent Legislative List, by a Province.

7th Sch. —*cont.*

38. Banking, that is to say, the conduct of banking business by corporations other than corporations owned or controlled by a Federated State and carrying on business only within that State.

39. Extension of the powers and jurisdiction of members of a police force belonging to any part of British India to any area in another Governor's Province or Chief Commissioner's Province, but not so as to enable the police of one part to exercise powers and jurisdiction elsewhere without the consent of the Government of the Province or the Chief Commissioner, as the case may be; extension of the powers and jurisdiction of members of a police force belonging to any unit to railway areas outside that unit.

40. Elections to the Federal Legislature, subject to the provisions of this Act and of any Order in Council made thereunder.

41. The salaries of the Federal Ministers, of the President and Vice-President of the Council of State and of the Speaker and Deputy Speaker of the Federal Assembly; the salaries, allowances and privileges of the members of the Federal Legislature; and, to such extent as is expressly authorised by Part II of this Act, the punishment of persons who refuse to give evidence or produce documents before Committees of the Legislature.

42. Offences against laws with respect to any of the matters in this list.

43. Inquiries and statistics for the purposes of any of the matters in this list.

44. Duties of customs, including export duties.

45. Duties of excise on tobacco and other goods manufactured or produced in India except—

(*a*) alcoholic liquors for human consumption;

(*b*) opium, Indian hemp and other narcotic drugs and narcotics; non-narcotic drugs;

(*c*) medicinal and toilet preparations containing alcohol, or any substance included in sub-paragraph (*b*) of this entry.

46. Corporation tax.

47. Salt.

48. State lotteries.

49. Naturalisation.

50. Migration within India from or into a Governor's Province or a Chief Commissioner's Province.

51. Establishment of standards of weight.

7th Sch. —*cont.*

52. Ranchi European Mental Hospital.

53. Jurisdiction and powers of all courts, except the Federal Court, with respect to any of the matters in this list and, to such extent as is expressly authorised by Part IX of this Act, the enlargement of the appellate jurisdiction of the Federal Court, and the conferring thereon of supplemental powers.

54. Taxes on income other than agricultural income.

55. Taxes on the capital value of the assets, exclusive of agricultural land, of individuals and companies; taxes on the capital of companies.

56. Duties in respect of succession to property other than agricultural land.

57. The rates of stamp duty in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, proxies and receipts.

58. Terminal taxes on goods or passengers carried by railway or air; taxes on railway fares and freights.

59. Fees in respect of any of the matters in this list, but not including fees taken in any Court.

LIST II.

PROVINCIAL LEGISLATIVE LIST.

1. Public order (but not including the use of His Majesty's naval, military or air forces in aid of the civil power); the administration of justice; constitution and organisation of all courts, except the Federal Court, and fees taken therein; preventive detention for reasons connected with the maintenance of public order; persons subjected to such detention.

2. Jurisdiction and powers of all courts except the Federal Court, with respect to any of the matters in this list; procedure in Rent and Revenue Courts.

3. Police, including railway and village police.

4. Prisons, reformatories, Borstal institutions and other institutions of a like nature, and persons detained therein; arrangements with other units for the use of prisons and other institutions.

5. Public debt of the Province.

6. Provincial Public Services and Provincial Public Service Commissions.

7th Sch. —*cont.*

7. Provincial pensions, that is to say, pensions payable by the Province or out of Provincial revenues.

8. Works, lands and buildings vested in or in the possession of His Majesty for the purposes of the Province.

9. Compulsory acquisition of land.

10. Libraries, museums and other similar institutions controlled or financed by the Province.

11. Elections to the Provincial Legislature, subject to the provisions of this Act and of any Order in Council made thereunder.

12. The salaries of the Provincial Ministers, of the Speaker and Deputy Speaker of the Legislative Assembly, and, if there is a Legislative Council, of the President and Deputy President thereof; the salaries, allowances and privileges of the members of the Provincial Legislature; and, to such extent as is expressly authorised by Part III of this Act, the punishment of persons who refuse to give evidence or produce documents before Committees of the Provincial Legislature.

13. Local government, that is to say, the constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government or village administration.

14. Public health and sanitation; hospitals and dispensaries; registration of births and deaths.

15. Pilgrimages, other than pilgrimages to places beyond India.

16. Burials and burial grounds.

17. Education.

18. Communications, that is to say, roads, bridges, ferries, and other means of communication not specified in List I; minor railways subject to the provisions of List I with respect to such railways; municipal tramways; ropeways; inland waterways and traffic thereon subject to the provisions of List III with regard to such waterways; ports, subject to the provisions in List I with regard to major ports; vehicles other than mechanically propelled vehicles.

19. Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power.

20. Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases; improvement of stock and prevention of animal diseases; veterinary training and practice; pounds and the prevention of cattle trespass.

7TH SCH. —*cont.*

21. Land, that is to say, rights in or over land, land tenures, including the relation of landlord and tenant, and the collection of rents; transfer, alienation and devolution of agricultural land; land improvement and agricultural loans; colonization; Courts of Wards; encumbered and attached estates; treasure trove.

22. Forests.

23. Regulation of mines and oilfields and mineral development subject to the provisions of List I with respect to regulation and development under Federal control.

24. Fisheries.

25. Protection of wild birds and wild animals.

26. Gas and gasworks.

27. Trade and commerce within the Province; markets and fairs; money lending and money lenders.

28. Inns and innkeepers.

29. Production, supply and distribution of goods; development of industries, subject to the provisions in List I with respect to the development of certain industries under Federal control.

30. Adulteration of foodstuffs and other goods; weights and measures.

31. Intoxicating liquors and narcotic drugs, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors, opium and other narcotic drugs, but subject, as respects opium, to the provisions of List I and, as respects poisons and dangerous drugs, to the provisions of List III.

32. Relief of the poor; unemployment.

33. The incorporation, regulation, and winding-up of corporations other than corporations specified in List I; unincorporated trading, literary, scientific, religious and other societies and associations; co-operative societies.

34. Charities and charitable institutions; charitable and religious endowments.

35. Theatres, dramatic performances and cinemas, but not including the sanction of cinematograph films for exhibition.

36. Betting and gambling.

37. Offences against laws with respect of any of the matters in this list.

38. Inquiries and statistics for the purpose of any of the matters in this list.

39. Land revenue, including the assessment and collection of revenue, the maintenance of land records, survey for revenue purposes and records of rights, and alienation of revenue.

40. Duties of excise on the following goods manufactured or produced in the Province and countervailing duties at the same or lower rates on similar goods manufactured or produced elsewhere in India—

(*a*) alcoholic liquors for human consumption;

(*b*) opium, Indian hemp and other narcotic drugs and narcotics; non-narcotic drugs;

(*c*) medicinal and toilet preparations containing alcohol or any substance included in sub-paragraph (*b*) of this entry.

41. Taxes on agricultural income.

42. Taxes on lands and buildings, hearths and windows.

43. Duties in respect of succession to agricultural land.

44. Taxes on mineral rights, subject to any limitations imposed by any Act of the Federal Legislature relating to mineral development.

45. Capitation taxes.

46. Taxes on professions, trades, callings and employments.

47. Taxes on animals and boats.

48. Taxes on the sale of goods and on advertisements.

49. Cesses on the entry of goods into a local area for consumption, use or sale therein.

50. Taxes on luxuries, including taxes on entertainments, amusements, betting and gambling.

51. The rates of stamp duty in respect of documents other than those specified in the provisions of List I with regard to rates of stamp duty.

52. Dues on passengers and goods carried on inland waterways.

53. Tolls.

54. Fees in respect of any of the matters in this list, but not including fees taken in any Court.

7th Sch. —*cont.*

List III.

Concurrent Legislative List.

Part I.

1. Criminal law, including all matters included in the Indian Penal Code at the date of the passing of this Act, but excluding offences against laws with respect to any of the matters specified in List I or List II and excluding the use of His Majesty's naval, military and air forces in aid of the civil power.

2. Criminal Procedure, including all matters included in the Code of Criminal Procedure at the date of the passing of this Act.

3. Removal of prisoners and accused persons from one unit to another unit.

4. Civil Procedure, including the law of Limitation and all matters included in the Code of Civil Procedure at the date of the passing of this Act; the recovery in a Governor's Province or a Chief Commissioner's Province of claims in respect of taxes and other public demands, including arrears of land revenue and sums recoverable as such, arising outside that Province.

5. Evidence and oaths; recognition of laws, public acts and records and judicial proceedings.

6. Marriage and divorce; infants and minors; adoption.

7. Wills, intestacy, and succession, save as regards agricultural land.

8. Transfer of property other than agricultural land; registration of deeds and documents.

9. Trusts and Trustees.

10. Contracts, including partnership, agency, contracts of carriage, and other special forms of contract, but not including contracts relating to agricultural land.

11. Arbitration.

12. Bankruptcy and insolvency; administrators-general and official trustees.

13. Stamp duties other than duties or fees collected by means of judicial stamps, but not including rates of stamp duty.

14. Actionable wrongs, save in so far as included in laws with respect to any of the matters specified in List I or List II.

7th Sch. —*cont.*

15. Jurisdiction and powers of all courts, except the Federal Court, with respect to any of the matters in this list.

16. Legal, medical and other professions.

17. Newspapers, books and printing presses.

18. Lunacy and mental deficiency, including places for the reception or treatment of lunatics and mental deficients.

19. Poisons and dangerous drugs.

20. Mechanically propelled vehicles.

21. Boilers.

22. Prevention of cruelty to animals.

23. European vagrancy; criminal tribes.

24. Inquiries and statistics for the purpose of any of the matters in this Part of this List.

25. Fees in respect of any of the matters in this Part of this List, but not including fees taken in any Court.

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PART II.

26. Factories.

27. Welfare of labour; conditions of labour; provident funds; employers' liability and workmen's compensation; health insurance, including invalidity pensions; old age pensions.

28. Unemployment insurance.

29. Trade unions; industrial and labour disputes.

30. The prevention of the extension from one unit to another of infectious or contagious diseases or pests affecting men, animals or plants.

31. Electricity.

32. Shipping and navigation on inland waterways as regards mechanically propelled vessels, and the rule of the road on such waterways; carriage of passengers and goods on inland waterways.

33. The sanctioning of cinematograph films for exhibition.

34. Persons subjected to preventive detention under Federal authority.

35. Inquiries and statistics for the purpose of any of the matters in this Part of this List.

36. Fees in respect of any of the matters in this Part of this List, but not including fees taken in any Court.

EIGHTH SCHEDULE.

Section 182.

The Federal Railway Authority.

1. The Federal Railway Authority, which shall be a body corporate by, and may sue and be sued in, that name, (in this Schedule referred to as " the Authority ") shall consist of seven persons to be appointed by the Governor-General.

2. A person shall not be qualified to be appointed or to be a member of the Authority—

(*a*) unless he has had experience in commerce, industry, agriculture, finance, or administration; or

(*b*) if he is, or within the twelve months last preceding has been

(i) a member of the Federal or any Provincial Legislature; or

(ii) in the service of the Crown in India; or

(iii) a railway official in India.

3. Of the first members of the Authority, three shall be appointed for three years and any of those members shall at the expiration of his original term of office be eligible for re-appointment for a further term of three years, or of five years.

Subject as aforesaid, a member of the Authority shall be appointed for five years and shall at the expiration of his original term of office be eligible for re-appointment for a further term not exceeding five years.

The Governor-General, exercising his individual judgment, may terminate the appointment of any member if satisfied that that member is for any reason unable or unfit to continue to perform the duties of his office.

4. The Governor-General, exercising his individual judgment, may make rules providing for the appointment of temporary members to act in place of any members temporarily unable to perform the duties of their office.

5. A member of the Authority shall be entitled to receive such salary and allowances as the Governor-General, exercising his individual judgment, may determine:

Provided that the emoluments of a member shall not be reduced during his term of office.

6. All acts of the Authority and all questions before them shall be done and decided by a majority of the members present and voting at a meeting of the Authority.

In the case of an equality of votes at any meeting, the person presiding thereat shall have a second or casting vote.

7. If a member of the Authority is or becomes the holder of or tenders for any contract for the supply of materials to, or

8th Sch. —*cont.* the execution of works for, any railway in India, or is or becomes concerned in the management of any company holding or tendering for such a contract as aforesaid, he shall forthwith make full disclosure of the facts to the Authority and shall not take part in the consideration or discussion of, or vote on, any question with respect to the contract.

8. At any meeting of the Authority a person or persons deputed by the Governor-General to represent him may attend and speak, but not vote.

9. Subject to the provisions of this Act, the Authority may make standing orders for the regulation of their proceedings and business, and may vary or revoke any such order.

10. The proceedings of the Authority shall not be invalidated by any vacancy among their number, or by any defect in the appointment or qualification of any member.

11. At the head of the executive staff of the Authority there shall be a chief railway commissioner, being a person with experience in railway administration, who shall be appointed by the Governor-General, exercising his individual judgment, after consultation with the Authority.

12. The chief railway commissioner shall be assisted in the performance of his duties by a financial commissioner, who shall be appointed by the Governor-General, and by such additional commissioners, being persons with experience in railway administration, as the Authority on the recommendation of the chief railway commissioner may appoint.

13. The chief railway commissioner shall not be removed from office except by the Authority and with the approval of the Governor-General, exercising his individual judgment, and the financial commissioner shall not be removed from office except by the Governor-General, exercising his individual judgment.

14. The chief railway commissioner and the financial commissioner shall have the right to attend any meeting of the Authority, and the financial commissioner shall have the right to require any matter which relates to, or affects, finance to be referred to the Authority.

15. The Authority shall not be liable to pay Indian income tax or supertax on any of its income, profits or gains.

16. The Authority shall entrust all their money which is not immediately needed to the Reserve Bank of India and employ that bank as their agents for all transactions in India relating to remittances, exchange and banking, and the bank shall undertake the custody of such moneys and such agency transactions on the same terms and conditions as those upon which they undertake the custody of moneys belonging to, or agency transactions for, the Federal Government.

NINTH SCHEDULE.

Section 317.

PROVISIONS OF GOVERNMENT OF INDIA ACT CONTINUED IN FORCE WITH AMENDMENTS UNTIL THE ESTABLISHMENT OF THE FEDERATION.

The Governor-General's Executive Council.

Members of Council.

36.—(1) The members of the Governor-General's Executive Council shall be appointed by His Majesty by warrant under the Royal Sign Manual.

(2) The number of the members of the Council shall be such as His Majesty thinks fit to appoint.

(3) Three at least of them must be persons who have been for at least ten years in the service of the Crown in India, and one must be a barrister of England or Ireland, or a member of the Faculty of Advocates of Scotland, or a pleader of a high court, of not less than ten years' standing.

(4) If any member of the Council (other than the Commander-in-Chief for the time being of His Majesty's forces in India) is at the time of his appointment in the military service of the Crown, he shall not, during his continuance in office as such member, hold any military command or be employed in actual military duties.

(5) Provision may be made by rules under this Act as to the qualifications to be required in respect of the members of the Governor-General's Executive Council, in any case where such provision is not made by the foregoing provisions of this section.

Rank and precedence of Commander-in-Chief.

37. If the Commander-in-Chief for the time being of His Majesty's forces in India is a member of the Governor-General's Executive Council, he shall, subject to the provisions of this Act, have rank and precedence in the Council next after the Governor-General.

Vice-President of Council.

38. The Governor-General shall appoint a member of his Executive Council to be vice-president thereof.

Meetings.

39.—(1) The Governor-General's Executive Council shall assemble at such places in India as the Governor-General in Council appoints.

(2) At any meeting of the Council the Governor-General or other person presiding and one member of the Council (other than the Commander-in-Chief) may exercise all the functions of the Governor-General in Council.

Business of Governor-General in Council.

40.—(1) All orders and other proceedings of the Governor-General in Council shall be expressed to be made by the Governor-General in Council, and shall be signed by a secretary to the Government of India, or otherwise as the Governor-General in

9th Sch. —*cont.*

Council may direct, and, when so signed, shall not be called into question in any legal proceeding on the ground that they were not duly made by the Governor-General in Council.

(2) The Governor-General may make rules and orders for the more convenient transaction of business in his Executive Council, and every order made or act done, in accordance with such rules and orders, shall be treated as being the order or the act of the Governor-General in Council.

Procedure in case of difference of opinion.

41.—(1) If any difference of opinion arises on any question brought before a meeting of the Governor-General's Executive Council, the Governor-General in Council shall be bound by the opinion and decision of the majority of those present, and, if they are equally divided, the Governor-General or other person presiding shall have a second or casting vote.

(2) Provided that, whenever any measure is proposed before the Governor-General in Council whereby the safety, tranquillity or interests of British India, or of any part thereof, are or may be, in the judgment of the Governor-General, essentially affected, and he is of opinion either that the measure proposed ought to be adopted and carried into execution, or that it ought to be suspended or rejected, and the majority present at a meeting of the Council dissent from that opinion, the Governor-General may, on his own authority and responsibility, adopt, suspend or reject the measure, in whole or in part.

(3) In every such case any two members of the dissentient majority may require that the adoption, suspension or rejection of the measure, and the fact of their dissent, be reported to the Secretary of State, and the report shall be accompanied by copies of any minutes which the members of the Council have recorded on the subject.

(4) Nothing in this section shall empower the Governor-General to do anything which he could not lawfully have done with the concurrence of his Council.

Provisions for absence of Governor-General from meetings of Council.

42. If the Governor-General is obliged to absent himself from any meeting of the Council, by indisposition or any other cause, the vice-president, or, if he is absent, the senior member (other than the Commander-in-Chief) present at the meeting, shall preside thereat, with the like powers as the Governor-General would have had if present :

Provided that, if the Governor-General is at the time resident at the place where the meeting is assembled, and is not prevented by indisposition from signing any act of Council made at the meeting, the act shall require his signature; but, if he declines or refuses to sign it, the like provisions shall have effect as in cases where the Governor-General, when present, dissents from the majority at a meeting of the Council.

Powers of Governor-General in absence from Council.

43.—(1) Whenever the Governor-General in Council declares that it is expedient that the Governor-General should visit any part of India unaccompanied by his Executive Council, the Governor-General in Council may, by order, authorize the Governor-General alone to exercise, in his discretion, all or any of the powers which might be exercised by the Governor-General in Council at meetings of the Council.

The Indian legislature.

Indian legislature.

63. Subject to the provisions of this Act, the Indian legislature shall consist of the Governor-General and two chambers, namely, the Council of State and the Legislative Assembly.

Except as otherwise provided by or under this Act, a Bill shall not be deemed to have been passed by the Indian legislature unless it has been agreed to by both chambers, either without amendment or with such amendments only as may be agreed to by both chambers.

Council of State.

63A.—(1) The Council of State shall consist of not more than sixty members nominated or elected in accordance with rules made under this Act, of whom not more than twenty shall be official members.

(2) The Governor-General shall have power to appoint, from among the members of the Council of State, a president and other persons to preside in such circumstances as he may direct.

(3) The Governor-General shall have the right of addressing the Council of State, and may for that purpose require the attendance of its members.

Legislative Assembly.

63B.—(1) The Legislative Assembly shall consist of members nominated or elected in accordance with rules made under this Act.

(2) The total number of members of the Legislative Assembly shall be one hundred and forty. The number of non-elected members shall be forty, of whom twenty-six shall be official members. The number of elected members shall be one hundred :

Provided that rules made under this Act may provide for increasing the number of members of the Legislative Assembly as fixed by this section, and may vary the proportion which the classes of members bear one to another, so, however, that at least five-sevenths of the members of the Legislative Assembly shall be elected members, and at least one-third of the other members shall be non-official members.

(3) The Governor-General shall have the right of addressing the Legislative Assembly, and may for that purpose require the attendance of its members.

President of Legislative Assembly.

63C.—(1) There shall be a president of the Legislative Assembly, who shall be a member of the Assembly elected by the Assembly and approved by the Governor-General.

9TH SCH. —*cont.*

(2) There shall be a deputy-president of the Legislative Assembly, who shall preside at meetings of the Assembly in the absence of the president, and who shall be a member of the Assembly elected by the Assembly and approved by the Governor-General.

(3) A president and a deputy-president shall cease to hold office if they cease to be members of the Assembly. They may resign office by writing under their hands addressed to the Governor-General, and may be removed from office by a vote of the Assembly with the concurrence of the Governor-General.

(4) A president and deputy-president shall receive such salaries as may be determined by Act of the Indian legislature.

Duration and sessions of Legislative Assembly and Council of State.

63D.—(1) Every Council of State shall continue for five years, and every Legislative Assembly for three years, from its first meeting:

Provided that—

(*a*) either chamber of the legislature may be sooner dissolved by the Governor-General; and

(*b*) any such period may be extended by the Governor-General if in special circumstances he so thinks fit; and

(*c*) after the dissolution of either chamber the Governor-General shall appoint a date not more than six months, or, with the sanction of the Secretary of State, not more than nine months, after the date of dissolution for the next session of that chamber.

(2) The Governor-General may appoint such times and places for holding the sessions of either chamber of the Indian legislature as he thinks fit, and may also from time to time, by notification or otherwise, prorogue such sessions.

(3) Any meeting of either chamber of the Indian legislature may be adjourned by the person presiding.

(4) All questions in either chamber shall be determined by a majority of votes of members present other than the presiding member, who shall, however, have and exercise a casting vote in the case of an equality of votes.

(5) The powers of either chamber of the Indian legislature may be exercised notwithstanding any vacancy in the chamber.

Membership of both chambers.

63E.—(1) An official shall not be qualified for election as a member of either chamber of the Indian legislature, and, if any non-official member of either chamber accepts office in the service of the Crown in India, his seat in that chamber shall become vacant.

(2) If an elected member of either chamber of the Indian legislature becomes a member of the other chamber, his seat in such first-mentioned chamber shall thereupon become vacant.

(3) If any person is elected a member of both chambers of the Indian legislature, he shall, before he takes his seat in either chamber, signify in writing the chamber of which he desires to be a member, and thereupon his seat in the other chamber shall become vacant.

(4) Every member of the Governor-General's Executive Council shall be nominated as a member of one chamber of the Indian legislature, and shall have the right of attending in and addressing the other chamber, but shall not be a member of both chambers.

Supplementary provisions as to composition of Legislative Assembly and Council of State.

64.—(1) Subject to the provisions of this Act, provision may be made by rules under this Act as to—

(*a*) the term of office of nominated members of the Council of State and the Legislative Assembly, and the manner of filling casual vacancies occurring by reason of absence of members from India, inability to attend to duty, death, acceptance of office, or resignation duly accepted, or otherwise; and

(*b*) the conditions under which and the manner in which persons may be nominated as members of the Council of State or the Legislative Assembly; and

(*c*) the qualification of electors, the constitution of constituencies, and the method of election for the Council of State and the Legislative Assembly (including the number of members to be elected by communal and other electorates) and any matter incidental or ancillary thereto; and

(*d*) the qualifications for being or for being nominated or elected as members of the Council of State or the Legislative Assembly; and

(*e*) the final decision of doubts or disputes as to the validity of an election; and

(*f*) the manner in which the rules are to be carried into effect.

(2) Subject to any such rules, any person who is a ruler or subject of any state in India may be nominated as a member of the Council of State or the Legislative Assembly.

Business and proceedings in Indian legislature.

67.—(1) Provision may be made by rules under this Act for regulating the course of business and the preservation of order in the chambers of the Indian legislature, and as to the persons to preside at the meetings of the Legislative Assembly in the absence of the president and the deputy-president; and the rules may provide for the number of members required to constitute a quorum, and for prohibiting or regulating the asking of questions on, and the discussion of, any subject specified in the rules.

(2A) Where in either chamber of the Indian legislature any Bill has been introduced, or is proposed to be introduced, or any

9th Sch. —*cont.*

amendment to a Bill is moved, or proposed to be moved, the Governor-General may certify that the Bill, or any clause of it, or the amendment, affects the safety or tranquillity of British India or any part thereof, and may direct that no proceedings, or that no further proceedings, shall be taken by the chamber in relation to the Bill, clause, or amendment, and effect shall be given to such direction.

(3) If any Bill which has been passed by one chamber is not, within six months after the passage of the Bill by that chamber, passed by the other chamber either without amendments or with such amendments as may be agreed to by the two chambers, the Governor-General may in his discretion refer the matter for decision to a joint sitting of both chambers: Provided that standing orders made under this section may provide for meetings of members of both chambers appointed for the purpose, in order to discuss any difference of opinion which has arisen between the two chambers.

(4) Without prejudice to the powers of the Governor-General under section sixty-eight of this Act, the Governor-General may, where a Bill has been passed by both chambers of the Indian legislature, return the Bill for reconsideration by either chamber.

(5) Rules made for the purpose of this section may contain such general and supplemental provisions as appear necessary for the purpose of giving full effect to this section.

(6) Standing orders may be made providing for the conduct of business and the procedure to be followed in either chamber of the Indian legislature in so far as these matters are not provided for by rules made under this Act. The first standing orders shall be made by the Governor-General in Council, but may, with the consent of the Governor-General, be altered by the chamber to which they relate.

Any standing order made as aforesaid which is repugnant to the provisions of any rules made under this Act shall, to the extent of that repugnancy but not otherwise, be void.

(7) Subject to the rules and standing orders affecting the chamber, there shall be freedom of speech in both chambers of the Indian legislature. No person shall be liable to any proceedings in any court by reason of his speech or vote in either chamber, or by reason of anything contained in any official report of the proceedings of either chamber.

Indian Budget.

67A.—(1) The estimated annual expenditure and revenue of the Governor-General in Council shall be laid in the form of a statement before both chambers of the Indian legislature in each year.

(2) No proposal for the appropriation of any revenue or moneys for any purpose shall be made except on the recommendation of the Governor-General.

(3) The proposals of the Governor-General in Council for the appropriation of revenue or moneys relating to the following heads of expenditure shall not be submitted to the vote of the Legislative Assembly, nor shall they be open to discussion by either chamber at the time when the annual statement is under consideration unless the Governor-General otherwise directs :— 9th Sch. —*cont.*

(i) interest and sinking fund charges on loans; and

(ii) expenditure of which the amount is prescribed by or under any law; and

(iii) salaries (including in the case of the Governor-General sums payable on his account in respect of his office) and pensions payable to or to the dependants of—

(*a*) persons appointed by or with the approval of His Majesty;

(*b*) Chief Commissioners and Judicial Commissioners; and

(iv) any grants for purposes connected with the administration of any areas in a Province which are for the time being Excluded Areas; and

(v) the sums payable to His Majesty under the Government of India Act, 1935, in respect of the expenses of His Majesty incurred in discharging the functions of the Crown in relation to Indian States; and

(vi) expenditure classified by the order of the Governor-General in Council as—

(*a*) ecclesiastical;

(*b*) external affairs;

(*c*) defence; or

(*d*) relating to tribal areas.

(vii) Expenditure of the Governor-General in discharging his functions as respects matters with respect to which he is required by the provisions of the Government of India Act, 1935, for the time being in force to act in his discretion;

(viii) any other expenditure declared by the provisions of the Government of India Act, 1935, for the time being in force to be charged on the revenues of the Federation.

(4) If any question arises as to whether any proposed appropriation of revenue or moneys does or does not relate to the above heads, the decision of the Governor-General on the question shall be final.

(5) The proposals of the Governor-General in Council for the appropriation of revenue or moneys relating to heads of expenditure not specified in the above heads shall be submitted to the vote of the Legislative Assembly in the form of demands for grants.

(6) The Legislative Assembly may assent or refuse its assent to any demand or may reduce the amount referred to in any demand by a reduction of the whole grant.

(7) The demands as voted by the Legislative Assembly shall be submitted to the Governor-General in Council, who shall, if he declares that he is satisfied that any demand which has been refused by the Legislative Assembly is essential to the discharge of his responsibilities, act as if it had been assented to, notwithstanding the withholding of such assent, or the reduction of the amount therein referred to, by the Legislative Assembly.

(8) Notwithstanding anything in this section, the Governor-General shall have power, in cases of emergency, to authorise such expenditure as may, in his opinion, be necessary for the safety or tranquillity of British India or any part thereof.

Provision for case of failure to pass legislation.

67b.—(1) Where either chamber of the Indian legislature refuses leave to introduce, or fails to pass in a form recommended by the Governor-General, any Bill, the Governor-General may certify that the passage of the Bill is essential for the safety, tranquillity or interests of British India or any part thereof, and thereupon—

(*a*) if the Bill has already been passed by the other chamber, the Bill shall, on signature by the Governor-General, notwithstanding that it has not been consented to by both chambers, forthwith become an Act of the Indian legislature in the form of the Bill as originally introduced or proposed to be introduced in the Indian legislature, or (as the case may be) in the form recommended by the Governor-General; and

(*b*) if the Bill has not already been so passed, the Bill shall be laid before the other chamber, and, if consented to by that chamber in the form recommended by the Governor-General, shall become an Act as aforesaid on the signification of the Governor-General's assent, or, if not so consented to, shall, on signature by the Governor-General, become an Act as aforesaid.

(2) Every such Act shall be expressed to be made by the Governor-General, and shall, as soon as practicable after being made, be laid before both Houses of Parliament, and shall not have effect until it has received His Majesty's assent, and shall not be presented for His Majesty's assent until copies thereof have been laid before each House of Parliament for not less than eight days on which that House has sat; and upon the signification of such assent by His Majesty in Council, and the notification thereof by the Governor-General, the Act shall have the same force and effect as an Act passed by the Indian legislature and duly assented to:

Provided that, where in the opinion of the Governor-General a state of emergency exists which justifies such action, the

Governor-General may direct that any such Act shall come into operation forthwith, and thereupon the Act shall have such force and effect as aforesaid, subject, however, to disallowance by His Majesty in Council.

Assent of Governor-General to Bills.

68.—(1) When a Bill has been passed by both chambers of the Indian legislature, the Governor-General may declare that he assents to the Bill, or that he withholds assent from the Bill, or that he reserves the Bill for the signification of His Majesty's pleasure thereon.

(2) A Bill passed by both chambers of the Indian legislature shall not become an Act until the Governor-General has declared his assent thereto, or, in the case of a Bill reserved for the signification of His Majesty's pleasure, until His Majesty in Council has signified his assent and that assent has been notified by the Governor-General.

Power of Crown to disallow Acts.

69.—(1) When an Act of the Indian legislature has been assented to by the Governor-General, he shall send to the Secretary of State an authentic copy thereof, and it shall be lawful for His Majesty in Council to signify his disallowance of any such Act.

(2) Where the disallowance of any such Act has been so signified, the Governor-General shall forthwith notify the disallowance, and thereupon the Act, as from the date of the notification, shall become void accordingly.

Power to make ordinances in cases of emergency.

72. The Governor-General may, in cases of emergency, make and promulgate ordinances for the peace and good government of British India or any part thereof, and any ordinance so made shall, for the space of not more than six months from its promulgation, have the like force of law as an Act passed by the Indian legislature; but the power of making ordinances under this section is subject to the like restrictions as the power of the Indian legislature to make laws; and any ordinance made under this section is subject to the like disallowance as an Act passed by the Indian legislature, and may be controlled or superseded by any such Act.

Salaries, leave of absence, vacation of office, &c.

Salaries and allowances of Governor-General and certain other officials in India.

85.—(1) There shall be paid to the Governor-General of India, to the Commander-in-Chief of His Majesty's Forces in India and to the members of the Governor-General's Executive Council (other than the Commander-in-Chief), out of the revenues of the Governor-General in Council, such salaries and such allowances (if any) for equipment and voyage as the Secretary of State may by order fix in that behalf and subject to or in default of any such order as are payable at the commencement of Part III of the Government of India Act, 1935; but the salary of the Governor-General shall not exceed two hundred and fifty-six thousand rupees annually, the salary of the Commander-in-Chief shall not exceed one hundred thousand rupees annually and the salary of members of the Governor-General's Executive Council (other than the Commander-in-Chief) shall not exceed eighty thousand rupees annually.

(2) Provided as follows:—

(*a*) the Secretary of State shall not make any Order affecting salaries of members of the Governor-General's Executive Council except after consulting his advisers and with the concurrence of at least one-half of them;

(*b*) if any person to whom this section applies holds or enjoys any pension or salary or any office of profit under the Crown or under any public office, his salary under this section shall be reduced by the amount of the pension, salary or profits of office so held or enjoyed by him;

(*c*) nothing in the provisions of this section with respect to allowances shall authorise the imposition of any additional charge on the revenues of the Governor-General in Council.

(3) The remuneration payable to a person under this section shall commence on his taking upon himself the execution of his office and shall be the whole profit or advantage which he shall enjoy from his office during his continuance therein:

Provided that nothing in this section shall apply to the allowances or other forms of profit and advantage which may have been sanctioned for such persons before the commencement of Part III of the Government of India Act, 1935, by the Secretary of State in Council or may thereafter be sanctioned by the Secretary of State.

Power to grant leave of absence to Governor-General, &c.

86.—(1) The Secretary of State may grant to the Governor-General and, on the recommendation of the Governor-General in Council, to the Commander-in-Chief, leave of absence for urgent reasons of public interest, or of health or of private affairs.

(2) The Governor-General in Council may grant to any member of his Executive Council (other than the Commander-in-Chief) leave of absence for urgent reasons of health or of private affairs.

(3) Leave of absence shall not be granted to any person in pursuance of this section for any period exceeding four months nor more than once during his tenure of office:

Provided that the Secretary of State may, if he thinks fit, extend any period of leave so granted, but in any such case the reasons for the extension shall be set forth in a minute signed by the Secretary of State and laid before both Houses of Parliament.

(4) Where leave of absence is granted to any person in pursuance of this section, he shall retain his office during the

period of leave as originally granted, or, if that period is extended by the Secretary of State during the period as so extended, but, if his absence exceeds that period, his office shall be deemed to have become vacant in the case of a person granted leave for urgent reasons of public interest as from the termination of that period and in any other case as from the commencement of his absence.

(5) Where a person obtains leave of absence in pursuance of this section, he shall be entitled to receive during his absence such leave-allowances as may be prescribed by rules made by the Secretary of State, but, if he does not resume his duties upon the termination of the period of the leave, he shall, unless the Secretary of State otherwise directs, repay, in such manner as may be so prescribed as aforesaid, any leave-allowances received under this subsection.

(6) If the Governor-General or the Commander-in-Chief is granted leave for urgent reasons of public interest, the Secretary of State may, in addition to the leave-allowances to which he is entitled under this section, grant to him such further allowances in respect of travelling expenses as the Secretary of State may think fit.

(7) Rules made under this section shall be laid before both Houses of Parliament as soon as may be after they are made.

Acting appointments during the absence of the Governor-General, &c., on leave.

87.—(1) Where leave is granted in pursuance of the foregoing section to the Governor-General or to the Commander-in-Chief, a person shall be appointed to act in his place during his absence, and the appointment shall be made by His Majesty by warrant under the Royal Sign Manual. The person so appointed during the absence of the Commander-in-Chief may, if the Commander-in-Chief was a member of the Executive Council of the Governor-General, be also appointed by the Governor-General in Council to be a temporary member of that Council.

(2) The person so appointed shall, until the return to duty of the permanent holder of the office, or, if he does not return, until a successor arrives, hold and execute the office to which he has been appointed and shall have and may exercise all the rights and powers thereof and shall be entitled to receive the emoluments and advantages appertaining to the office, forgoing the emoluments and advantages (if any) to which he was entitled at the time of his being appointed to that office.

Power for Governor-General to exercise powers before taking seat.

89.—(1) If any person appointed to the office of Governor-General is in India on or after the event on which he is to succeed, and thinks it necessary to exercise the powers of Governor-General before he takes his seat in Council, he may make known by notification his appointment and his intention to assume the office of Governor-General.

(2) After the notification, and thenceforth until he repairs to the place where the Council may assemble, he may exercise alone all or any of the powers which might be exercised by the Governor-General in Council.

(3) All acts done in the Council after the date of the notification, but before the communication thereof to the Council, shall be valid, subject, nevertheless, to revocation or alteration by the person who has so assumed the office of Governor-General.

(4) When the office of Governor-General is assumed under the foregoing provision, the vice-president, or, if he is absent, the senior member of the council (other than the Commander-in-Chief) then present, shall preside therein, with the same powers as the Governor-General would have had if present.

Temporary vacancy in office of Governor-General.

90.—(1) If a vacancy occurs in the office of Governor-General when there is no successor in India to supply the vacancy, that one of the following governors, that is to say, the Governor of Madras, the Governor of Bombay, and the Governor of Bengal, who was first appointed to the office of Governor by His Majesty shall hold and execute the office of Governor-General until a successor arrives or until some person in India is duly appointed thereto.

(2) Every such acting Governor-General, while acting as such, shall have and may exercise all the rights and powers of the office of Governor-General, and shall be entitled to receive the emoluments and advantages appertaining to the office, forgoing the salary and allowances appertaining to his office of Governor, and shall not act in his office of Governor.

(3) If, on the vacancy occurring, it appears to the Governor, who by virtue of this section holds and executes the office of Governor-General, necessary to exercise the powers thereof before he takes his seat in Council, he may make known by notification his appointment, and his intention to assume the office of Governor-General, and thereupon the provisions of section eighty-nine of this Act shall apply.

(4) Until such a Governor has assumed the office of Governor-General, if no successor is on the spot to supply such vacancy, the vice-president, or, if he is absent, the senior member of the Executive Council (other than the Commander-in-Chief) shall hold and execute the office of Governor-General until the vacancy is filled in accordance with the provisions of this Act.

(5) Every vice-president or other member of Council so acting as Governor-General, while so acting, shall have and may exercise all the rights and powers of the office of Governor-General, and shall be entitled to receive the emoluments and advantages appertaining to the office, forgoing his salary and allowances as member of Council for that period.

Temporary vacancy in office of member of the Executive Council.

92.—(1) If a vacancy occurs in the office of a member of the Executive Council of the Governor-General (other than the Commander-in-Chief), and there is no successor present on the spot, the Governor-General in Council shall supply the vacancy by appointing a temporary member of Council.

(2) Until a successor arrives, the person so appointed shall hold and execute the office to which he has been appointed, and shall have and may exercise all the rights and powers thereof, and shall be entitled to receive the emoluments and advantages appertaining to the office, forgoing all emoluments and advantages to which he was entitled at the time of his being appointed to that office.

(3) If a member of the Executive Council of the Governor-General (other than the Commander-in-Chief) is, by infirmity or otherwise, rendered incapable of acting or of attending to act as such, or is absent on leave or special duty, the Governor-General in Council shall appoint some person to be a temporary member of Council.

(4) Until the return to duty of the member so incapable or absent, the person temporarily appointed shall hold and execute the office to which he has been appointed, and shall have and may exercise all the rights and powers thereof, and shall be entitled to receive the emoluments and advantages appertaining to the office, forgoing the emoluments and advantages (if any) to which he was entitled at the time of his being appointed to that office.

(4A) When a member of the Executive Council is by infirmity or otherwise rendered incapable of acting or attending to act as such and a temporary member of Council is appointed in his place, the absent member shall be entitled to receive half his salary for the period of his absence.

(5) Provided as follows:—

(*a*) no person may be appointed a temporary member of Council who might not have been appointed to fill the vacancy supplied by the temporary appointment; and

(*b*) if the Secretary of State informs the Governor-General that it is not the intention of His Majesty to fill a vacancy in the Governor-General's Executive Council, no temporary appointment may be made under this section to fill the vacancy, and, if any such temporary appointment has been made before the date of the receipt of the information by the Governor-General, the tenure of the person temporarily appointed shall cease from that date.

9TH SCH. —*cont.*

Vacancies in legislative councils.

93.—(1) A nominated or elected member of either chamber of the Indian legislature may resign his office to the Governor-General, and on the acceptance of the resignation the office shall become vacant.

(2) If for a period of two consecutive months any such member is absent from India or unable to attend to the duties of his office the Governor-General may, by notification published in the government gazette, declare that the seat in Council of that member has become vacant.

Supplemental.

Provisions as to rules.

129A.—(1) Where any matter is required to be prescribed or regulated by rules under this Act, and no special provision is made as to the authority by whom the rules are to be made, the rules shall be made by the Governor-General in Council, with the sanction of the Secretary of State, and shall not be subject to repeal or alteration by any legislature in India.

(2) Any rules made under this Act may be so framed as to make different provision for different provinces.

(3) Any rules to which subsection (1) of this section applies shall be laid before both Houses of Parliament as soon as may be after they are made, and, if an address is presented to His Majesty by either House of Parliament within the next thirty days on which that House has sat after the rules are laid before it praying that the rules or any of them may be annulled, His Majesty in Council may annul the rules or any of them, and those rules shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder :

Provided that the Secretary of State may direct that any rules to which this section applies shall be laid in draft before both Houses of Parliament, and in such case the rules shall not be made unless both Houses by resolution approve the draft either without modification or addition, or with modifications and additions to which both Houses agree, but, upon such approval being given, the rules may be made in the form in which they have been approved, and such rules on being so made shall be of full force and effect, and shall not require to be further laid before Parliament.

TENTH SCHEDULE.

Section 321.

Enactments Repealed.

Session and Chapter of Act.	Title.	Extent of Repeal.
21 Geo. 3. c. 70	The East India Company Act, 1780.	Section eighteen.
37 Geo. 3. c. 142	The East India Act, 1797 -	Section twelve.
16 & 17 Vict. c. 107.	The Customs Consolidation Act, 1853.	Section three hundred and twenty-nine.
23 & 24 Vict. c. 89.	An Act to extend in certain cases the provisions of the Superannuation Act, 1859.	The whole Act.
47 & 48 Vict. c. 38.	The Indian Marine Service Act, 1884.	The whole Act.
56 & 57 Vict. c. 62.	The Madras and Bombay Armies Act, 1893.	The whole Act.
5 & 6 Geo. 5. c. 61.	The Government of India Act, 1915.	The whole Act.
6 & 7 Geo. 5. c. 37.	The Government of India (Amendment) Act, 1916.	The whole Act, except sections six and eight.
9 & 10 Geo. 5. c. 101.	The Government of India Act, 1919.	The whole Act except the Preamble and subsection (1) of section forty-seven.
12 & 13 Geo. 5. c. 20.	The Indian High Courts Act, 1922.	The whole Act.
14 & 15 Geo. 5. c. 28.	The Government of India (Leave of Absence) Act, 1924.	The whole Act.
15 & 16 Geo. 5. c. 83.	The Government of India (Civil Services) Act, 1925.	The whole Act.
17 & 18 Geo. 5. c. 8.	The Government of India (Indian Navy) Act, 1927.	The whole Act, except section two and subsection (1) of section four.
17 & 18 Geo. 5. c. 24.	The Government of India (Statutory Commission) Act, 1927.	The whole Act.
20 & 21 Geo. 5. c. 2.	The Government of India (Aden) Act, 1929.	The whole Act.
23 & 24 Geo. 5. c. 23.	The Government of India (Amendment) Act, 1933.	The whole Act.

10th Sch. —*cont.*

Session and Chapter of Act.	Title.	Extent of Repeal.
23 & 24 Geo. 5. c. 36.	The Administration of Justice (Miscellaneous Provisions) Act, 1933.	In the First Schedule the words "5 & 6 " Geo. 5. c. 61; The " Government of " India Act; section " one hundred and " twenty-seven."

CHAPTER 3.

An Act to make further provision for the government of Burma. [2nd August 1935.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

PART I.

INTRODUCTORY.

Short title.

1. This Act may be cited as the Government of Burma Act, 1935.

Government of Burma by the Crown.

2.—(1) All rights, authority and jurisdiction heretofore belonging to His Majesty the King, Emperor of India, which appertain or are incidental to the government of the territories in Burma for the time being vested in him and all rights, authority and jurisdiction exercisable by him by treaty, grant, usage, sufferance or otherwise in, or in relation to, any other territories in Burma, are exercisable by His Majesty, except in so far as may be otherwise provided by or under this Act, or as may be otherwise directed by His Majesty.

(2) The said rights, authority and jurisdiction shall include any rights, authority or jurisdiction heretofore exercisable in relation to any territories in Burma by the Secretary of State, the Secretary of State in Council, the Governor-General of India, the Governor-General of India in Council, the Governor of Burma or the Local Government of Burma, whether by delegation from His Majesty or otherwise.

PART II.

THE EXECUTIVE.

The Governor.

Appointment and functions of the Governor.

3.—(1) The Governor of Burma is appointed by His Majesty by a Commission under the Royal Sign Manual and has all such powers and duties as are conferred or imposed on him by or under this Act, and such other powers of His Majesty as His Majesty may be pleased to assign to him.

(2) Any reference in this Act to the functions of the Governor shall be construed as not including a reference to powers exercisable by him by reason that they have been assigned to him by His Majesty under subsection (1) of this section.

(3) The provisions of the First Schedule to this Act shall have effect with respect to the salary and allowances of the Governor, and the provision to be made for enabling him to discharge conveniently and with dignity the duties of his office, and with respect to persons appointed to act temporarily as Governor.

Executive authority of Burma.

4.—(1) Subject to the provisions of this Act, the executive authority of Burma shall be exercised on behalf of His Majesty by the Governor, either directly or through officers subordinate to him, but nothing in this section shall prevent the Burma Legislature from conferring functions upon subordinate authorities, or be deemed to transfer to the Governor any functions conferred on any court, judge or officer, or any local or other authority, by any existing Indian or Burman law.

(2) The executive authority of Burma extends—

(*a*) to the raising in Burma on behalf of His Majesty of naval, military and air forces, and to the governance of His Majesty's forces borne on the Burma establishment;

(*b*) to the exercise of such rights, authority and jurisdiction as are exercisable by His Majesty by treaty, grant, usage, sufferance or otherwise in, and in relation to, any areas in Burma which are not part of the territories of His Majesty:

Part II. —*cont.*

Provided that—

(i) the said authority does not extend to the enlistment or enrolment in any forces raised in Burma of any person unless he is either a subject of His Majesty, or a native of Burma or India, or of territories adjacent to Burma or India; and

(ii) commissions in any such force shall be granted by His Majesty save in so far as he may be pleased to delegate that power by virtue of the provisions of subsection (1) of the last preceding section or otherwise.

Administration.

Council of ministers.

5.—(1) There shall be a council of ministers, not exceeding ten in number, to aid and advise the Governor in the exercise of his functions, except in so far as he is by or under this Act required to exercise his functions or any of them in his discretion:

Provided that nothing in this subsection shall be construed as preventing the Governor from exercising his individual judgment in any case where he is by or under this Act required so to do.

(2) The Governor in his discretion may preside at meetings of the council of ministers.

(3) If any question arises whether any matter is or is not a matter as respects which the Governor is by or under this Act required to act in his discretion or to exercise his individual judgment, the decision of the Governor in his discretion shall be final, and the validity of anything done by the Governor shall not be called in question on the ground that he ought or ought not to have acted in his discretion, or ought or ought not to have exercised his individual judgment.

Other provisions as to ministers.

6.—(1) The Governor's ministers shall be chosen and summoned by the Governor, shall be sworn as members of the council, and shall hold office during his pleasure.

(2) A minister who for any period of six consecutive months is not a member of the Legislature shall at the expiration of that period cease to be a minister.

(3) The salaries of ministers shall be such as the Legislature may from time to time by Act determine,

and, until the Legislature so determine, shall be determined by the Governor:

Provided that the salary of a minister shall not be varied during his term of office.

(4) The question whether any, and if so what, advice was tendered by ministers to the Governor shall not be inquired into in any court.

(5) The functions of the Governor with respect to the choosing and summoning and the dismissal of ministers, and with respect to the determination of their salaries shall be exercised by him in his discretion.

Discretionary functions of Governor.

7.—(1) The functions of the Governor with respect to defence, ecclesiastical affairs, the affairs of the areas specified in Part I of the Second Schedule to this Act, and the control of monetary policy, currency and coinage, and with respect to external affairs, except the relations between Burma and any part of His Majesty's dominions, shall be exercised by him in his discretion, and his functions in or in relation to areas in Burma which are not part of the territories of His Majesty shall be similarly exercised.

(2) To assist him in the exercise of those functions the Governor may appoint counsellors, not exceeding three in number, whose salaries and conditions of service shall be such as may be prescribed by His Majesty in Council.

Special responsibilities of Governor.

8.—(1) In the exercise of his functions the Governor shall have the following special responsibilities, that is to say,—

(*a*) the prevention of any grave menace to the peace or tranquillity of Burma or any part thereof;

(*b*) the safeguarding of the financial stability and credit of the Government of Burma;

(*c*) the safeguarding of the legitimate interests of minorities;

(*d*) the securing to, and to the dependants of, persons who are or have been members of the public services of any rights provided or preserved for them by or under this Act, and the safeguarding of their legitimate interests;

(*e*) the securing in the sphere of executive action of the purposes which the provisions of Part V of this Act are designed to secure in relation to legislation;

(*f*) the prevention of action which would subject goods of United Kingdom or Indian origin imported into Burma to discriminatory or penal treatment;

(*g*) the securing of the peace and good government of the areas specified in Part II of the Second Schedule to this Act;

(*h*) the securing that the due discharge of his functions with respect to matters with respect to which he is by or under this Act required to act in his discretion, or to exercise his individual judgment, is not prejudiced or impeded by any course of action taken with respect to any other matter.

(2) If, and in so far as, any special responsibility of the Governor is involved, he shall, in the exercise of his functions, exercise his individual judgment as to the action to be taken.

Provisions as to Instrument of Instructions.

9.—(1) The Secretary of State shall lay before Parliament a draft of any Instructions (including any Instructions amending or revoking Instructions previously issued) which it is proposed to recommend His Majesty to issue to the Governor, and no further proceedings shall be taken in relation thereto except in pursuance of an address presented to His Majesty by both Houses of Parliament praying that the Instructions may be issued.

(2) The validity of anything done by the Governor shall not be called in question on the ground that it was done otherwise than in accordance with any Instrument of Instructions issued to him.

Superintendence of Secretary of State.

10.—(1) In so far as the Governor is by or under this Act required to act in his discretion or to exercise his individual judgment, he shall be under the general control of, and comply with such particular directions, if any, as may from time to time be given to him by, the Secretary of State, but the validity of anything done by the Governor shall not be called in question on the ground that it was done otherwise than in accordance with the provisions of this section.

(2) Before giving any directions under this section the Secretary of State shall satisfy himself that nothing in the directions requires the Governor to act in any manner inconsistent with any Instrument of Instructions issued to him by His Majesty.

Financial adviser to Governor.

11.—(1) The Governor may appoint a person to be his financial adviser.

(2) It shall be the duty of the Governor's financial adviser to assist by his advice the Governor in the discharge of his special responsibility for safeguarding the financial stability and credit of the Government of Burma and of his functions in respect of monetary policy, currency and coinage, and also to give advice to the Government of Burma upon any matter relating to finance with respect to which he may be consulted.

(3) The Governor's financial adviser shall hold office during the pleasure of the Governor and the salary and allowances of the financial adviser, and the numbers of his staff and their conditions of service, shall be such as the Governor may determine.

(4) The powers of the Governor with respect to the appointment and dismissal of a financial adviser and with respect to the determination of his salary and allowances, and the numbers of his staff and their conditions of service, shall be exercised by him in his discretion :

Provided that, if the Governor has determined to appoint a financial adviser, he shall, before making any appointment other than the first appointment, consult his ministers as to the person to be selected.

Advocate-General.

12.—(1) The Governor shall appoint a person, being a person qualified to be appointed a judge of the High Court, to be Advocate-General for Burma.

(2) It shall be the duty of the Advocate-General to give advice to the Government of Burma upon such legal matters, and to perform such other duties of a legal character, as may be referred or assigned to him by the Governor.

(3) The Advocate-General shall hold office during the pleasure of the Governor and shall receive such remuneration as the Governor may determine.

(4) In exercising his powers with respect to the appointment and dismissal of the Advocate-General and

Part II. —*cont.*

with respect to the determination of his remuneration, the Governor shall exercise his individual judgment.

Provisions as to police rules.

13. Where it is proposed that the Governor should by virtue of any powers vested in him make or amend, or approve the making or amendment of, any rules, regulations or orders relating to any police force, whether civil or military, he shall exercise his individual judgment with respect to the proposal, unless it appears to him that the proposal does not relate to or affect the organisation or discipline of that force.

Provisions as to crimes of violence intended to overthrow Government.

14.—(1) If it appears to the Governor that the peace or tranquillity of Burma is endangered by the operations of any persons committing, or conspiring, preparing or attempting to commit, crimes of violence which, in the opinion of the Governor, are intended to overthrow the government as by law established, the Governor may, if he thinks that the circumstances of the case require him so to do for the purpose of combating those operations, direct that his functions shall to such extent as may be specified in the direction be exercised by him in his discretion and, until otherwise provided by a subsequent direction of the Governor, those functions shall to that extent be exercised by him accordingly.

(2) The functions imposed on the Governor by this section shall be exercised by him in his discretion.

(3) Nothing in this section affects the special responsibility of the Governor for the prevention of any grave menace to the peace or tranquillity of Burma or any part thereof.

Sources of certain information not to be disclosed.

15. The Governor in his discretion shall make rules for securing that no records or information relating to the sources from which information has been or may be obtained with respect to the operations of persons committing, or conspiring, preparing or attempting to commit, such crimes as are mentioned in the last preceding section, shall be disclosed or given—

(*a*) by any member of any police force in Burma to another member of that force except in accordance with directions of the Inspector-General of Police or Commissioner of Police, as the case may be, or to any other person except in accordance with directions of the Governor in his discretion; or

(b) by any other person in the service of the Crown in Burma to any person except in accordance with directions of the Governor in his discretion.

Conduct of business of Government.

16.—(1) All executive action of the Government of Burma shall be expressed to be taken in the name of the Governor.

(2) Orders and other instruments made and executed in the name of the Governor shall be authenticated in such manner as may be specified in rules to be made by him, and the validity of an order or instrument which is so authenticated shall not be called in question on the ground that it is not an order or instrument made or executed by the Governor.

(3) The Governor shall make rules for the more convenient transaction of the business of the Government, and for the allocation among ministers of the said business in so far as it is not business with respect to which the Governor is by or under this Act required to act in his discretion.

(4) The rules shall include provisions requiring ministers and secretaries to Government to transmit to the Governor all such information with respect to the business of the Government as may be specified in the rules, or as the Governor may otherwise require to be so transmitted, and in particular requiring a minister to bring to the notice of the Governor, and the appropriate secretary to bring to the notice of the minister concerned and of the Governor, any matter under consideration by him which involves, or appears to him likely to involve, any special responsibility of the Governor.

(5) In the discharge of his functions under sub-sections (2), (3) and (4) of this section the Governor shall act in his discretion after consultation with his ministers.

PART III.

The Legislature.

General.

Constitution of the Legislature.

17.—(1) There shall be for Burma a Legislature which shall consist of His Majesty, represented by the Governor, and two Chambers, to be known respectively as the Senate and the House of Representatives.

(2) The Senate shall consist of thirty-six members, and the House of Representatives shall consist of one hundred and thirty-two members.

(3) The said members shall be chosen in accordance with the provisions in that behalf contained in the Third Schedule to this Act.

Sessions of the Legislature, prorogation and dissolution.

18.—(1) The Chambers of the Legislature shall be summoned to meet once at least in every year, and twelve months shall not intervene between their last sitting in one session and the date appointed for their first sitting in the next session.

(2) Subject to the provisions of this section, the Governor may in his discretion from time to time—

(*a*) summon the Chambers or either Chamber to meet at such time and place as he thinks fit;

(*b*) prorogue the Chambers;

(*c*) dissolve either Chamber or both Chambers simultaneously.

(3) The Chambers shall be summoned to meet for their first session on a day not later than such day as may be specified in that behalf by His Majesty in Council.

(4) Every Senate, unless sooner dissolved, shall continue for seven years from the date appointed for the first meeting thereof and no longer, and every House of Representatives, unless sooner dissolved, shall continue for five years from the date appointed for the first meeting thereof and no longer, and the expiration of the said period of seven years or the said period of five years shall operate as a dissolution of the Senate or the House of Representatives, as the case may be.

Right of Governor to address, and send messages to, Chambers.

19.—(1) The Governor may in his discretion address either Chamber of the Legislature or both Chambers assembled together and for that purpose require the attendance of members.

(2) The Governor may in his discretion send messages to either Chamber of the Legislature, whether with respect to a Bill then pending in the Legislature or otherwise, and the Chamber to whom any message is so sent shall with all convenient despatch consider any

matter which they are required by the message to take into consideration.

Part III. —*cont.*

Rights of ministers, counsellors and Advocate-General as respects Chambers.

20. Every minister, every counsellor and the Advocate-General shall have the right to speak in, and otherwise to take part in the proceedings of, either Chamber, any joint sitting of the Chambers, and any committee of the Legislature of which he may be named a member, but shall not by virtue of this section be entitled to vote.

Officers of Chambers.

21.—(1) The Senate shall as soon as may be choose two members of the Senate to be respectively President and Deputy President thereof, and, so often as the office of President or Deputy President becomes vacant, the Senate shall choose another member to be President or Deputy President, as the case may be.

(2) A member holding office as President or Deputy President of the Senate shall vacate his office if he ceases to be a member of the Senate, may at any time resign his office by writing under his hand addressed to the Governor, and may be removed from his office by a resolution of the Senate passed by a majority of all the then members of the Senate; but no resolution for the purpose of this subsection shall be moved unless at least fourteen days' notice has been given of the intention to move the resolution:

Provided that, whenever the Senate is dissolved, the President shall not vacate his office until immediately before the first meeting of the Senate after the dissolution.

(3) While the office of President is vacant, the duties of the office shall be performed by the Deputy President, or, if the office of Deputy President is also vacant, by such member of the Senate as the Governor may appoint for the purpose, and during any absence of the President from any sitting of the Senate the Deputy President or, if he is also absent, such person as may be determined by the rules of procedure of the Senate, or, if no such person is present, such other person as may be determined by the Senate, shall act as President.

(4) There shall be paid to the President and the Deputy President of the Senate such salaries as may be respectively fixed by Act of the Legislature and, until

Part III.
—*cont.*

provision in that behalf is so made, such salaries as the Governor may determine.

(5) The foregoing provisions of this section shall apply in relation to the House of Representatives as they apply in relation to the Senate with the substitution of the titles "Speaker" and "Deputy Speaker" for the titles "President" and "Deputy President" respectively, and with the substitution of references to the House of Representatives for references to the Senate.

Voting in Chambers, power of Chambers to act notwithstanding vacancies, and quorum.

22.—(1) Save as provided in the last preceding section, all questions at any sitting or joint sitting of the Chambers shall be determined by a majority of votes of the members present and voting, other than the President or Speaker or person acting as such.

The President or Speaker, or person acting as such, shall not vote in the first instance, but shall have and exercise a casting vote in the case of an equality of votes.

(2) A Chamber of the Legislature shall have power to act notwithstanding any vacancy in the membership thereof, and any proceedings in the Legislature shall be valid notwithstanding that it is discovered subsequently that some person who was not entitled so to do sat or voted or otherwise took part in the proceedings.

(3) If at any time during a meeting of the Senate less than twelve members are present, or if at any time during a meeting of the House of Representatives less than one-sixth of the total number of members thereof are present, it shall be the duty of the President or Speaker or person acting as such either to adjourn the Chamber, or to suspend the meeting until at least twelve members, or, as the case may be, at least one-sixth of the members, are present.

Provisions as to members of Legislature.

Oath of members.

23. Every member of either Chamber shall, before taking his seat, make and subscribe before the Governor or some person appointed by him, an oath according to the form set out in the Fifth Schedule to this Act.

Vacation of seats.

24.—(1) No person shall be a member of both Chambers, and rules made by the Governor exercising his individual judgment shall provide for the vacation by a person who is chosen a member of both Chambers of his seat in one Chamber or the other.

(2) If a member of either Chamber—

(*a*) becomes subject to any of the disqualifications mentioned in subsection (1) of the next succeeding section; or

(*b*) by writing under his hand addressed to the Governor resigns his seat,

his seat shall thereupon become vacant.

(3) If for sixty days a member of either Chamber is without permission of the Chamber absent from all meetings thereof, the Chamber may declare his seat vacant:

Provided that in computing the said period of sixty days no account shall be taken of any period during which the Chamber is prorogued, or is adjourned for more than four consecutive days.

Disqualifications for membership.

25.—(1) A person shall be disqualified for being chosen as, and for being, a member of either Chamber—

(*a*) if he holds any office of profit under the Crown in Burma, other than an office declared by Act of the Legislature not to disqualify its holder;

(*b*) if he is of unsound mind and stands so declared by a competent court;

(*c*) if he is an undischarged insolvent;

(*d*) if, whether before or after the commencement of this Act, he has been convicted or has, in proceedings for questioning the validity or regularity of an election, been found to have been guilty, of an offence or corrupt or illegal practice relating to elections which has been declared by Order in Council, or by an Act of the Legislature, to be an offence or practice entailing disqualification for membership of the Legislature, unless such period has elapsed as may be specified in that behalf in the provisions of that Order or Act;

PART III. —*cont.*

(*e*) if he has, whether before or after the commencement of this Act, been convicted in Burma or has, before the commencement of this Act, been convicted in British India, of any other offence, and has, in either case, been sentenced to transportation or to imprisonment for not less than two years, unless a period of five years, or such less period as the Governor may in his discretion allow in any particular case, has elapsed since his release.

(*f*) if, having been nominated as a candidate for the Legislature or having acted as an election agent of any person so nominated, he has failed to lodge a return of election expenses within the time and in the manner required by any Order in Council made under this Act or by any Act of the Legislature, unless five years have elapsed from the date by which the return ought to have been lodged, or the Governor acting in his discretion has removed the disqualification:

Provided that a disqualification under paragraph (*f*) of this subsection shall not take effect until the expiration of one month from the date by which the return ought to have been lodged, or of such longer period as the Governor acting in his discretion may in any particular case allow.

(2) A person shall not be capable of being chosen a member of either Chamber while he is serving a sentence of transportation or of imprisonment for a criminal offence.

(3) Where a person who, by virtue of a conviction or a conviction and a sentence, becomes disqualified by virtue of paragraph (*d*) or paragraph (*e*) of subsection (1) of this section is at the date of the disqualification a member of a Chamber, his seat shall, notwithstanding anything in this or the last preceding section, not become vacant by reason of the disqualification until three months have elapsed from the date thereof or, if within those three months an appeal or petition for revision is brought in respect of the conviction or the sentence, until that appeal or petition is disposed of, but, during any period during which his membership is preserved by this subsection, he shall not sit or vote.

(4) For the purposes of this section a person shall not be deemed to hold an office of profit under the Crown in Burma by reason only that he is a minister.

Penalty for sitting and voting when not qualified, or when disqualified.

26. If a person sits or votes as a member of either Chamber when he is not qualified or is disqualified for membership thereof, or when he is prohibited from so doing by the provisions of subsection (3) of the last preceding section, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the Government of Burma.

Privileges, &c. of members.

27.—(1) Subject to the provisions of this Act and to the rules and standing orders regulating the procedure of the Legislature, there shall be freedom of speech in the Legislature, and no member of the Legislature shall be liable to any proceedings in any court in respect of anything said or any vote given by him in the Legislature or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of a Chamber of the Legislature of any report, paper, votes or proceedings.

(2) In other respects the privileges of members of the Chambers of the Legislature shall be such as may from time to time be defined by Act of the Legislature and, until so defined; shall be such as were immediately before the commencement of this Act enjoyed by members of the Legislative Council of Burma.

(3) Notwithstanding anything in the foregoing provisions of this section, nothing in this Act shall be construed as conferring, or empowering the Legislature to confer, on either Chamber thereof or on both Chambers sitting together, or on any committee or officer of the Legislature, the status of a court, or any punitive or disciplinary powers other than the power to remove or exclude persons infringing the rules or standing orders, or otherwise behaving in a disorderly manner.

(4) Provision may be made by an Act of the Legislature for the punishment, on conviction before a court, of persons who refuse to give evidence or produce documents before a committee of a chamber when duly required by the chairman of the committee so to do:

Provided that any such Act shall have effect subject to such rules for regulating the attendance before such committees of persons who are, or have been, in the service of the Crown in India or Burma, and safeguarding confidential matter from disclosure, as may be made by the Governor exercising his individual judgment.

(5) The provisions of subsections (1) and (2) of this section shall apply in relation to persons who by virtue of this Act have the right to speak in, and otherwise take part in the proceedings of, a Chamber as they apply in relation to members of the Legislature.

Salaries and allowances of members.

28. Members of either Chamber shall be entitled to receive such salaries and allowances as may from time to time be determined by Act of the Legislature, and, until provision in that respect is so made, allowances at such rates and upon such conditions as were immediately before the commencement of this Act applicable in the case of members of the Legislative Council of Burma.

Procedure Generally.

Rules of procedure.

29.—(1) Each Chamber of the Legislature may make rules for regulating, subject to the provisions of this Act, their procedure and the conduct of their business:

Provided that as regards each Chamber the Governor shall in his discretion, after consultation with the President or the Speaker, as the case may be, make rules—

(*a*) for regulating the procedure of, and the conduct of business in, the Chamber in relation to any matter which affects the discharge of his functions in so far as he is by or under this Act required to act in his discretion or to exercise his individual judgment;

(*b*) for securing the timely completion of financial business;

(*c*) for prohibiting, save with the consent of the Governor in his discretion—

(i) the discussion of, or the asking of questions on, any matter connected with relations between His Majesty or the Governor and any foreign State or Prince; or

(ii) the discussion, except in relation to estimates of expenditure, of, or the asking of questions on, any matters connected with territories in Burma not vested in His Majesty, or any matters arising out of or affecting the administration of any of the areas specified in Part I of the Second Schedule to this Act;

and, if and in so far as any rule so made by the Governor is inconsistent with any rule made by a Chamber, the rule made by the Governor shall prevail.

(2) The Governor, after consultation with the President of the Senate and the Speaker of the House of Representatives, may make rules as to the procedure with respect to joint sittings of, and communications between, the two Chambers.

The said rules shall make such provision for the purposes specified in the proviso to the preceding subsection as the Governor in his discretion may think fit.

(3) Until rules are made under this section, the rules of procedure and standing orders in force immediately before the commencement of this Act with respect to the Legislative Council of Burma shall have effect in relation to the Legislature, subject to such modifications and adaptations as may be made therein by the Governor in his discretion.

(4) At a joint sitting of the two Chambers the President of the Senate, or in his absence such person as may be determined by rules of procedure made under this section, shall preside.

English to be used in Legislature.

30. All proceedings in the Legislature shall be conducted in the English language:

Provided that the rules of procedure of the Chambers, and the rules with respect to joint sittings, shall provide for enabling persons unacquainted, or not sufficiently acquainted, with the English language to use another language.

Restrictions on discussion in Legislature.

31.—(1) No discussion shall take place in the Legislature with respect to the conduct of any judge of the High Court in the discharge of his duties.

(2) If the Governor in his discretion certifies that the discussion of a Bill introduced or proposed to be introduced in the Legislature, or of any specified clause of

Part III. —*cont.*

a Bill, or of any amendment moved or proposed to be moved to a Bill, would affect the discharge of his special responsibility for the prevention of any grave menace to the peace or tranquillity of Burma or any part thereof, he may in his discretion direct that no proceedings, or no further proceedings, shall be taken in relation to the Bill, clause or amendment, and effect shall be given to the direction.

Courts not to inquire into proceedings of the Legislature.

32.—(1) The validity of any proceedings in the Legislature shall not be called in question on the ground of any alleged irregularity of procedure.

(2) No officer or other member of the Legislature in whom powers are vested by or under this Act for regulating procedure or the conduct of business, or for maintaining order, in the Legislature shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers.

PART IV.

LEGISLATION.

Powers of the Legislature as to Legislation.

Extent of laws of Legislature.

33.—(1) Subject to the provisions of this Act, the Legislature may make laws for the territories in Burma vested in His Majesty or any part thereof.

(2) Without prejudice to the generality of the powers conferred by the preceding subsection, no Act of the Legislature shall, on the ground that it would have extra-territorial operation, be deemed to be invalid in so far as it applies—

(*a*) to British subjects and servants of the Crown in any part of Burma; or

(*b*) to British subjects domiciled in Burma wherever they may be; or

(*c*) to, or to persons on, ships or aircraft registered in Burma wherever they may be; or

(*d*) in the case of a law for the regulation or discipline of any naval, military, or air force raised in Burma, to members of and persons attached to, employed with or following, that force, wherever they may be.

34. Nothing in this Act shall be taken— Savings.

(*a*) to affect the power of Parliament to legislate for Burma; or

(*b*) to empower the Legislature—

(i) to make any law affecting the Sovereign, or the Royal Family, or the succession to the Crown, or the sovereignty, dominion or suzerainty of the Crown in any part of Burma, or the law of British nationality, or the Army Act, the Air Force Act, the Naval Discipline Act, or any similar law enacted by a competent authority in India, or the law of Prize or Prize Courts; or

(ii) except in so far as expressly permitted by this Act, to make any law amending any provisions of this Act, or any Order in Council made thereunder, or any rules made under this Act by the Secretary of State, or by the Governor in his discretion or in the exercise of his individual judgment.

Legislative procedure.

35.—(1) Subject to the provisions of Part VI of this Act with respect to financial Bills, a Bill may originate in either Chamber of the Legislature. Introduction of Bills, &c.

(2) A Bill pending in the Legislature shall not lapse by reason of the prorogation of the Chambers thereof.

(3) A Bill pending in one Chamber which has not been passed by the other Chamber shall not lapse on a dissolution of that other Chamber, but save as aforesaid all Bills shall lapse on a dissolution of either Chamber.

36.—(1) Unless the Governor in his discretion thinks fit to give his previous sanction, there shall not be introduced into, or moved in, either Chamber of the Legislature, any Bill or any amendment which— Previous sanction of Governor required for certain legislative proposals.

(*a*) repeals, amends or is repugnant to any provisions of any Act of Parliament extending to Burma; or

Part IV. —*cont.*

(*b*) repeals, amends or is repugnant to any Governor's Act, or any ordinance promulgated in his discretion by the Governor; or

(*c*) affects matters as respects which the Governor is by or under this Act required to act in his discretion; or

(*d*) repeals, amends or affects any Act relating to any police force; or

(*e*) affects the procedure for criminal proceedings in which European British subjects are concerned; or

(*f*) subjects persons not resident in Burma to greater taxation than persons resident in Burma, or subjects companies not wholly controlled and managed in Burma to greater taxation than companies wholly controlled and managed therein; or

(*g*) affects the grant of relief from any Burma tax on income in respect of income taxed or taxable in the United Kingdom; or

(*h*) affects immigration into Burma.

(2) Nothing in this section affects the operation of any other provision in this Act which requires the previous sanction of the Governor to the introduction of any Bill or the moving of any amendment.

Passing of Bills.

37.—(1) Subject to the provisions of this section, a Bill shall not be deemed to have been passed by the Chambers of the Legislature, unless it has been agreed to by both Chambers, either without amendments or with such amendments only as are agreed to by both Chambers.

(2) If a Bill which has been passed by one Chamber and transmitted to the other is not, before the expiration of twelve months from its reception by that other Chamber, presented to the Governor for his assent, the Governor may summon the Chambers to meet in a joint sitting for the purpose of deliberating and voting on the Bill:

Provided that, if it appears to the Governor that the Bill relates to finance or to any matter which affects the discharge of his functions in so far as he is by or under this Act required to act in his discretion or to exercise his individual judgment, he may in his discretion summon the Chambers to meet in a joint sitting for the purpose aforesaid notwithstanding that the said period of twelve months has not elapsed.

(3) If at a joint sitting of the two Chambers summoned in accordance with the provisions of this section the Bill, with such amendments, if any, as are agreed to in joint sitting, is passed by a majority of the total number of members of both Chambers present and voting, it shall be deemed for the purposes of this Act to have been passed by both Chambers:

Provided that at a joint sitting—

(*a*) unless the Bill, having been passed by one Chamber, has been passed by the other Chamber with amendments and returned to the Chamber in which it originated, no amendment shall be proposed to the Bill other than such amendments, if any, as are made necessary by the delay in the passage of the Bill;

(*b*) if the Bill has been so passed and returned, only such amendments as aforesaid shall be proposed to the Bill and such other amendments as are relevant to the matters with respect to which the Chambers have not agreed;

and the decision of the person presiding as to the amendments which are admissible under this subsection shall be final.

Assent to Bills, and power of Crown to disallow Acts.

38.—(1) When a Bill has been passed by the Chambers it shall be presented to the Governor, and the Governor shall in his discretion declare either that he assents in His Majesty's name to the Bill, or that he withholds assent therefrom, or that he reserves the Bill for the signification of His Majesty's pleasure:

Provided that the Governor may in his discretion return the Bill to the Chambers with a message requesting that they will reconsider the Bill or any specified provisions thereof, and in particular will consider the desirability of introducing any such amendments as he may recommend in his message, and the Chambers shall reconsider the Bill accordingly.

(2) A Bill reserved for the signification of His Majesty's pleasure shall not become an Act of the Legislature unless and until, within twelve months from the day on which it was presented to the Governor, the Governor makes known by public notification that His Majesty has assented thereto.

(3) Any Act assented to by the Governor may be disallowed by His Majesty within twelve months from the date of the Governor's assent, and, where any Act is so disallowed, the Governor shall forthwith make the disallowance known by public notification and as from the date of the notification the Act shall become void.

Requirements as to sanctions and recommendations to be regarded as matters of procedure only.

39.—(1) Where under any provision of this Act the previous sanction or recommendation of the Governor is required to the introduction or passing of a Bill or the moving of an amendment, the giving of the sanction or recommendation shall not be construed as precluding him from exercising subsequently in regard to the Bill in question any powers conferred upon him by this Act with respect to the withholding of assent to, or the reservation of, Bills.

(2) No Act of the Legislature and no provision in any such Act shall be invalid by reason only that some previous sanction or recommendation was not given.

Legislative powers of Governor.

Legislation for areas mentioned in Second Schedule.

40.—(1) Notwithstanding anything in this Part of this Act, no Act of the Legislature shall apply to any area specified in the Second Schedule to this Act unless the Governor by public notification so directs, and the Governor in giving such a direction with respect to any Act may direct that the Act shall, in its application to the area or to any specified part thereof, have effect subject to such exceptions or modifications as he thinks fit.

(2) The Governor may make regulations for the peace and good government of any such area, and any regulations so made may repeal or amend any Act, whether

passed before or after the commencement of this Act, which is for the time being applicable to the area.

(3) The provisions of this Act with respect to the power of His Majesty to disallow Acts shall apply in relation to any such regulations as they apply in relation to Acts of the Legislature.

Power of Governor to promulgate ordinances during recess of Legislature.

41.—(1) If at any time when the Legislature is not in session the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action, he may promulgate such ordinances as the circumstances appear to him to require:

Provided that the Governor—

(*a*) shall exercise his individual judgment as respects the promulgation of any ordinance under this section, if a Bill containing the same provisions would under this Act have required his previous sanction to the introduction thereof into the Legislature; and

(*b*) shall not without instructions from His Majesty promulgate any such ordinance, if he would have deemed it necessary to reserve a Bill containing the same provisions for the signification of His Majesty's pleasure.

(2) An ordinance promulgated under this section shall have the same force and effect as an Act of the Legislature, but every such ordinance—

(*a*) shall be laid before the Legislature, and shall cease to operate at the expiration of six weeks from the reassembly of the Legislature, or, if a resolution disapproving it is passed by the House of Representatives and agreed to by the Senate, upon the resolution being agreed to by the Senate;

(*b*) shall be subject to the provisions of this Act relating to the power of His Majesty to disallow Acts as if it were an Act of the Legislature; and

(*c*) may be withdrawn at any time by the Governor.

Part IV. —cont.

(3) If and so far as an ordinance under this section makes any provision which would not be valid if enacted in an Act of the Legislature, it shall be void.

Power of Governor to promulgate ordinances at any time with respect to certain subjects.

42.—(1) If at any time the Governor is satisfied that circumstances exist which render it necessary for him to take immediate action for the purpose of enabling him satisfactorily to discharge his functions in so far as he is by or under this Act required in the exercise thereof to act in his discretion or to exercise his individual judgment, he may promulgate such ordinances as in his opinion the circumstances of the case require.

(2) An ordinance promulgated under this section shall continue in operation for such period not exceeding six months as may be specified therein, but may by a subsequent ordinance be extended for a further period not exceeding six months.

(3) An ordinance promulgated under this section shall have the same force and effect as an Act of the Legislature, but every such ordinance—

(*a*) shall be subject to the provisions of this Act relating to the powers of His Majesty to disallow Acts as if it were an Act of the Legislature;

(*b*) may be withdrawn at any time by the Governor; and

(*c*) if it is an ordinance extending a previous ordinance for a further period, shall be communicated forthwith to the Secretary of State and shall be laid by him before each House of Parliament.

(4) If and so far as an ordinance under this section makes any provision which would not be valid if enacted in an Act of the Legislature, it shall be void.

(5) The functions of the Governor under this section shall be exercised by him in his discretion.

Power of Governor in certain cases to enact Acts.

43.—(1) If at any time it appears to the Governor that, for the purpose of enabling him satisfactorily to discharge his functions in so far as he is by or under this Act required in the exercise thereof to act in his

Part IV. —*cont.*

discretion or to exercise his individual judgment, it is essential that provision should be made by legislation, he may by message to both Chambers of the Legislature explain the circumstances which in his opinion render legislation essential and either—

(*a*) enact forthwith, as a Governor's Act, a Bill containing such provisions as he considers necessary; or

(*b*) attach to his message a draft of the Bill which he considers necessary.

(2) Where the Governor takes such action as is mentioned in paragraph (*b*) of the preceding subsection, he may at any time after the expiration of one month enact, as a Governor's Act, the Bill proposed by him to the Chambers either in the form of the draft communicated to them, or with such amendments as he deems necessary, but before so doing he shall consider any address which may have been presented to him within the said period by either Chamber with reference to the Bill or to amendments suggested to be made therein.

(3) A Governor's Act shall have the same force and effect, and shall be subject to disallowance in the same manner, as an Act of the Legislature, and, if and so far as it makes any provision which would not be valid if enacted in an Act of the Legislature, it shall be void.

(4) Every Governor's Act shall be communicated forthwith to the Secretary of State and shall be laid by him before each House of Parliament.

(5) The functions of the Governor under this section shall be exercised by him in his discretion.

PART V.

RESTRICTIONS ON DISCRIMINATION, &C.

British subjects domiciled in the United Kingdom and British India.

44.—(1) Subject to the provisions of this Part of this Act, a British subject domiciled in the United Kingdom shall be exempt from the operation of so much of any Act of the Legislature as imposes any restriction on the right of entry into Burma:

Part V. —*cont.*

Provided that no person shall by virtue of this subsection be entitled to claim exemption from any such restriction, if and so long as British subjects domiciled in Burma are by or under the law of the United Kingdom subject in the United Kingdom to a like restriction.

For the purposes of this subsection a provision, whether of the law of Burma or of the law of the United Kingdom, empowering any public authority to impose quarantine regulations, or to exclude or deport individuals wherever domiciled who appear to that authority to be undesirable persons, shall be deemed not to be a restriction on the right of entry.

(2) Subject to the provisions of this Part of this Act, a British subject domiciled in the United Kingdom shall be exempt from the operation of so much of any Act of the Legislature as imposes by reference to place of birth, race, descent, language, religion, domicile, residence, or duration of residence, any disability, liability, restriction or condition in regard to travel, residence, the acquisition, holding, or disposition of property, the holding of public office, or the carrying on of any occupation, trade, business or profession :

Provided that no such person as aforesaid shall by virtue of this subsection be entitled to exemption from any such disability, liability, restriction, or condition as aforesaid if and so long as British subjects domiciled in Burma are by or under the law of the United Kingdom subject in the United Kingdom to a like disability, liability, restriction or condition imposed in regard to the same subject matter by reference to the same principle of distinction.

(3) The provisions of subsection (2) of this section shall apply in relation to British subjects domiciled in India and subjects of any Indian State as they apply in relation to British subjects domiciled in the United Kingdom, but with the substitution in the proviso to the said subsection for references to the United Kingdom of references to British India or, as the case may be, that Indian State :

Provided that nothing in this subsection shall affect any restriction lawfully imposed on the right of entry into Burma of persons who are British subjects domiciled in India or subjects of any Indian State, or any restriction lawfully imposed as a condition of allowing any such person to enter Burma.

(4) Notwithstanding anything in this section, if the Governor by public notification certifies that for the prevention of any grave menace to the peace or tranquillity of any part of Burma, or for the purposes of combating crimes of violence intended to overthrow the Government, it is expedient that the operation of the provisions of this section should be wholly or partially suspended in relation to any Act, then while the notification is in force the operation of those provisions shall be suspended accordingly.

The functions of the Governor under this subsection shall be exercised by him in his discretion.

Taxation.

45.—(1) No Act of the Legislature which imposes any liability to taxation shall be such as to discriminate against British subjects domiciled in the United Kingdom or India or subjects of any Indian State, or against companies incorporated whether before or after the passing of this Act by or under the laws of the United Kingdom or British India, and any Act passed or made in contravention of this section shall, to the extent of the contravention, be invalid.

(2) Without prejudice to the generality of the foregoing provisions, an Act shall be deemed to be such as to discriminate against such persons or companies as aforesaid if it would result in any of them being liable to greater taxation than that to which they would have been liable if they were domiciled in Burma or incorporated by or under the laws of Burma, as the case may be.

Companies.

46.—(1) Subject to the following provisions of this Part of this Act, a company incorporated, whether before or after the passing of this Act, by or under the laws of the United Kingdom, and the members of the governing body of any such company and the holders of its shares, stock,

Part V. —*cont.*

debentures, debenture stock, or bonds, and its officers, agents, and servants shall be deemed to comply with so much of any Act of the Legislature as imposes in regard to companies carrying on or proposing to carry on business in Burma requirements or conditions relating to or connected with—

(*a*) the place of incorporation of a company or the situation of its registered office, or the currency in which its capital or loan capital is expressed; or

(*b*) the place of birth, race, descent, language, religion, domicile, residence or duration of residence of members of the governing body of a company, or of holders of its shares, stock, debentures, debenture stock, or bonds, or of its officers, agents or servants:

Provided that no company or person shall by virtue of this subsection be deemed to comply with any such requirement or condition as aforesaid if and so long as a like requirement or condition is imposed by or under the laws of the United Kingdom in regard to companies incorporated by or under the laws of Burma and carrying on or proposing to carry on business in the United Kingdom.

(2) If and in so far as any total or partial exemption from, or preferential treatment in respect of, taxation imposed on companies by or under any Act of the Legislature depends on compliance with conditions as to any of the matters mentioned in the last preceding subsection, any company incorporated by or under the laws of the United Kingdom and carrying on business in Burma shall be deemed to satisfy those conditions and be entitled to the exemption or preferential treatment accordingly, so long as the taxation imposed by or under the laws of the United Kingdom on companies incorporated by or under the laws of Burma and carrying on business in the United Kingdom does not depend on compliance with conditions as to any of the matters so mentioned.

(3) The provisions of the two last preceding subsections shall apply in relation to companies incorporated

by or under the laws of British India as they apply in relation to companies incorporated by or under the laws of the United Kingdom, with the substitution for references to the United Kingdom of references to British India.

PART V. —cont.

(4) Subject to the following provisions of this Part of this Act, a British subject domiciled in the United Kingdom shall be deemed to comply with so much of any Act of the Legislature as imposes in regard to companies incorporated or proposed to be incorporated, whether before or after the passing of this Act, by or under the laws of Burma, any requirements or conditions relating to, or connected with, the place of birth, race, descent, language, religion, domicile, residence or duration of residence of members of the governing body of a company or of holders of its shares, stock, debentures, debenture stock or bonds, or of its officers, agents or servants:

Provided that no person shall by virtue of this section be deemed to comply with any such requirement or condition as aforesaid if and so long as a like requirement or condition is imposed by or under the law of the United Kingdom in regard to companies incorporated or proposed to be incorporated by or under the laws of the United Kingdom on British subjects domiciled in Burma.

(5) If and in so far as, in the case of any such companies as are mentioned in the last preceding subsection, any total or partial exemption from, or preferential treatment in respect of, taxation imposed by or under any Act of the Legislature depends on compliance with conditions as to any of the matters so mentioned, then, as regards such of the members of its governing body and such of the holders of its shares, stock, debentures, debenture stock or bonds, and such of its officers, agents, or servants, as are British subjects domiciled in the United Kingdom, any such company shall be deemed to satisfy those conditions and be entitled to the exemption or preferential treatment accordingly, so long as the taxation imposed by or under the laws of the United Kingdom on companies incorporated by or under those laws does not, as regards such of the members of a company's governing body, or such of the holders

Part V. —*cont.*

of its shares, stock, debentures, debenture stock or bonds, or such of its officers, agents, or servants, as are British subjects domiciled in Burma, depend on compliance with conditions as to any of the matters so mentioned.

(6) The provisions of the two last preceding sub-sections shall apply in relation to British subjects domiciled in British India and to subjects of any Indian State as they apply in relation to British subjects domiciled in the United Kingdom, with the substitution for references to the United Kingdom of references to British India or that Indian State, as the case may be.

Ships and aircraft.

47.—(1) No ship registered in the United Kingdom shall be subjected by or under any Act of the Legislature to any treatment affecting either the ship herself, or her master, officers, crew, passengers or cargo, which is discriminatory in favour of ships registered in Burma, except in so far as ships registered in Burma are for the time being subjected by or under any law of the United Kingdom to treatment of a like character which is similarly discriminatory in favour of ships registered in the United Kingdom.

(2) The provisions of this section shall apply in relation to ships registered in British India as they apply in relation to ships registered in the United Kingdom with the substitution for references to the United Kingdom of references to British India.

(3) This section shall apply in relation to aircraft as it applies in relation to ships.

(4) The provisions of this section are in addition to and not in derogation of the provisions of any of the preceding sections of this Part of this Act.

Subsidies for the encouragement of trade or industry.

48.—(1) Notwithstanding anything in any Act of the Legislature, companies incorporated, whether before or after the passing of this Act, by or under the laws of the United Kingdom and carrying on business in Burma, shall be eligible for any grant, bounty or subsidy payable out of public moneys in Burma for the encouragement of any trade or industry to the same extent as companies incorporated by or under the laws of Burma are eligible therefor :

Part V.—cont.

Provided that this subsection shall not apply in relation to any grant, bounty or subsidy payable out of public moneys for the encouragement of any trade or industry, if and so long as under the law of the United Kingdom for the time being in force companies incorporated by or under the laws of Burma and carrying on business in the United Kingdom are not equally eligible with companies incorporated by or under the laws of the United Kingdom for the benefit of any grant, bounty or subsidy payable out of public moneys in the United Kingdom for the encouragement of the same trade or industry.

(2) Notwithstanding anything in this Part of this Act, an Act of the Legislature may require, in the case of a company which at the date of the passing of that Act was not engaged in Burma in that branch of trade or industry which it is the purpose of the Act to encourage, that the company shall not be eligible for any grant, bounty or subsidy under the Act unless—

(*a*) the company is incorporated by or under the laws of Burma; and

(*b*) such proportion, not exceeding one half, of the members of its governing body as the Act may prescribe are British subjects domiciled in Burma; and

(*c*) the company gives such reasonable facilities for the training of British subjects domiciled in Burma as may be so prescribed.

(3) For the purposes of this section a company incorporated by or under the laws of the United Kingdom shall be deemed to be carrying on business in Burma if it owns ships which habitually trade to and from ports in Burma.

(4) The foregoing provisions of this section shall apply in relation to companies incorporated by or under the laws of British India as they apply in relation to companies incorporated by or under the laws of the United Kingdom with the substitution for references to the United Kingdom of references to British India.

Part V. —*cont.*

Supplemental.

49. The foregoing provisions of this Part of this Act shall apply in relation to any ordinance, order, byelaw, rule or regulation passed or made after the passing of this Act and having by virtue of any existing Indian or Burman law, or of any Act of the Legislature, the force of law, as they apply in relation to Acts of the Legislature, but, save as aforesaid, nothing in those provisions shall affect the operation of any existing Indian or Burman law.

Power to secure reciprocal treatment by convention.

50.—(1) If a convention is made between His Majesty's Government in the United Kingdom and the Government of Burma, whereby similarity of treatment is assured, in the United Kingdom to British subjects domiciled in Burma and to companies incorporated by or under the laws of Burma, and in Burma to British subjects domiciled in the United Kingdom and to companies incorporated by or under the laws of the United Kingdom, respectively, in respect of the matters, or any of the matters, with regard to which provision is made in the preceding sections of this Part of this Act, His Majesty may, if he is satisfied that all necessary legislation has been enacted both in the United Kingdom and in Burma for the purpose of giving effect to the convention, by Order in Council declare that the purposes of those sections are to such extent as may be specified in the Order sufficiently fulfilled by that convention and legislation, and, while any such Order is in force, the operation of those sections shall to that extent be suspended.

(2) As from the establishment of the Federation of India, the provisions of subsection (1) of this section shall apply in relation to British subjects domiciled in British India and to companies incorporated by or under the laws of British India as they apply in relation to British subjects domiciled in the United Kingdom and companies incorporated by or under the laws of the United Kingdom, with the substitution for references to His Majesty's Government in the United Kingdom, and the United Kingdom, of references to the Federal Government and British India.

(3) An Order in Council under this section shall cease to have effect if and when the convention to

which it relates expires or is terminated by either party thereto.

PART V. —*cont.*

Professional and technical qualifications in general.

51.—(1) No Bill or amendment which prescribes or empowers any authority to prescribe the professional or technical qualifications which are to be requisite for any purpose in Burma shall be introduced or moved in either Chamber of the Legislature without the previous sanction of the Governor in his discretion.

(2) The Governor shall not give his sanction for the purposes of the preceding subsection unless he is satisfied that the proposed legislation is so framed as to secure that no person who, immediately before the coming into operation of any disability, liability, restriction or condition to be imposed by or under that legislation, was lawfully practising any profession, carrying on any occupation, trade or business, or holding any office in Burma shall, except in so far as may be necessary in the interests of the public, be debarred from continuing to practise that profession, carry on that occupation, trade or business, or hold that office, or from doing anything in the course of that profession, occupation, trade or business, or in the discharge of the duties of that office, which he could lawfully have done if that disability, liability, restriction or condition had not come into operation.

(3) All regulations made under the provisions of any Act of the Legislature which prescribe the professional or technical qualifications which are to be requisite for any purpose in Burma, or impose by reference to any professional or technical qualification, any disability, liability, restriction or condition in regard to the practising of any profession, the carrying on of any occupation, trade or business, or the holding of any office in Burma shall, not less than four months before they are expressed to come into operation, be published in such manner as may be required by general or special directions of the Governor, and, if within two months from the date of the publication complaint is made to him that the regulations or any of them will operate unfairly as against any class of persons affected thereby, then, if he is of opinion that the complaint is well founded, he may, at any time before the regulations are expressed to come into operation,

PART V. —*cont.* by public notification disallow the regulations or any of them.

In this subsection the expression "regulations" includes rules, byelaws, orders and ordinances.

In the discharge of his functions under this subsection the Governor shall exercise his individual judgment.

(4) If the Governor exercising his individual judgment by public notification directs that the provisions of the last preceding subsection shall apply in relation to any existing Indian or Burman law, those provisions shall apply in relation to that law accordingly.

Medical qualifications.

52.—(1) So long as the condition set out in subsection (3) of this section continues to be fulfilled, a British subject domiciled in the United Kingdom or Burma who, by virtue of a medical diploma granted to him in the United Kingdom, is, or is entitled to be, registered in the United Kingdom as a qualified medical practitioner shall not, by or under any law in force in Burma, be excluded from practising medicine, surgery or midwifery in Burma, or from being registered as qualified so to do, on any ground other than the ground that the diploma held by him does not furnish a sufficient guarantee of his possession of the requisite knowledge and skill for the practice of medicine, surgery and midwifery, and he shall not be so excluded on that ground unless the law of Burma makes provision for securing—

(*a*) that no proposal for excluding the holders of any particular diploma from practice or registration shall become operative until the expiration of twelve months after notice thereof has been given to the Governor and to the University or other body granting that diploma; and

(*b*) that such a proposal shall not become operative or, as the case may be, shall cease to operate, if the Privy Council on an application made to them under the next succeeding subsection determine that the diploma in question ought to be recognised as furnishing such a sufficient guarantee as aforesaid.

(2) If any University or other body in the United Kingdom which grants a medical diploma, or any British

subject who holds such a diploma, is aggrieved by the proposal to exclude holders of that diploma from practice or registration in Burma, that body or person may make an application to the Privy Council, and the Privy Council, after giving to such authorities and persons both in Burma and in the United Kingdom as they think fit an opportunity of tendering evidence or submitting representations in writing, shall determine whether the diploma in question does or does not furnish a sufficient guarantee of the possession of the requisite knowledge and skill for the practice of medicine, surgery and midwifery, and shall notify their determination to the Governor, who shall communicate it to such authorities, and cause it to be published in such manner, as he thinks fit.

(3) The condition referred to in subsection (1) of this section is that British subjects domiciled in Burma who hold a medical diploma granted after examination in British Burma shall not be excluded from practising medicine, surgery or midwifery in the United Kingdom or from being registered therein as qualified medical practitioners, except on the ground that that diploma does not furnish a sufficient guarantee of the possession of the requisite knowledge and skill for the practice of medicine, surgery and midwifery, and shall only be excluded on that ground so long as the law of the United Kingdom makes provision for enabling any question as to the sufficiency of that diploma to be referred to and decided by the Privy Council.

(4) A medical practitioner entitled to practise or be registered in Burma by virtue of a diploma granted in the United Kingdom, or in the United Kingdom by virtue of a diploma granted in British Burma, shall not in the practice of his profession be subjected to any liability, disability, restriction or condition to which persons entitled to practise by virtue of diplomas granted in the other country are not subject.

(5) The foregoing provisions of this section shall, subject to the modifications hereinafter mentioned, apply in relation to British subjects domiciled in India who, by virtue of medical diplomas granted to them in British India or the United Kingdom, are, or are entitled to be, registered in the United Kingdom as qualified medical

Part V. —*cont.*

practitioners as they apply in relation to British subjects domiciled in the United Kingdom who, by virtue of medical diplomas granted in the United Kingdom, are, or are entitled to be, registered in the United Kingdom as qualified medical practitioners.

The said modifications are as follows, that is to say,—

(*a*) subsection (3) shall not apply and the reference in subsection (1) to the condition set out therein shall be deemed to be omitted;

(*b*) any reference in subsection (2) or subsection (4) to the United Kingdom shall be construed as a reference to British India.

(6) Nothing in this section shall be construed as affecting any power of any recognised authority in the United Kingdom or Burma to suspend or debar any person from practice on the ground of misconduct, or to remove any person from a register on that ground.

(7) In this section the expression "diploma" includes any certificate, degree, fellowship, or other document or status granted to persons passing examinations.

Medical officers of His Majesty's forces.

53. A person who holds a commission from His Majesty as a medical officer in any branch of His Majesty's forces and is on the active list shall by virtue of that commission be deemed to be qualified to practise medicine, surgery and midwifery in Burma and be entitled to be registered in Burma as so qualified.

Application to certain companies.

54. In this Part of this Act—

(*a*) references to companies incorporated by or under the laws of Burma include references to companies incorporated by or under the laws of British India and registered in Burma, but do not include references to companies so incorporated which were registered elsewhere;

(*b*) references to companies incorporated by or under the laws of British India do not include references to companies registered in Burma.

PART VI.

FINANCE.

General.

55. Subject to the provisions of this Part of this Act with respect to the Federated Shan States and to the provisions of this Act with respect to the Burma Railway Board, the expression "revenues of Burma" includes all revenues and public moneys raised or received by the Government of Burma.

Meaning of "revenues of Burma."

56. No burden shall be imposed on the revenues of Burma except for the purposes of Burma or some part of Burma.

Expenditure defrayable out of revenues of Burma.

57.—(1) Rules may be made by the Governor for the purpose of securing that all moneys received on account of the revenues of Burma shall, with such exceptions, if any, as may be specified in the rules, be paid into the public account of the Government of Burma, and the rules so made may prescribe or authorise some person to prescribe the procedure to be followed in respect of the payment of moneys into the said account, the withdrawal of moneys therefrom, the custody of moneys therein, and any other matters connected with or ancillary to the matters aforesaid.

Provisions as to the custody of public moneys of Burma.

(2) In the exercise of his powers under this section the Governor shall exercise his individual judgment.

58.—(1) The Government of Burma shall secure that there are from time to time in the hands of the Secretary of State sufficient moneys to enable him to make such payments as he may have to make in respect of any liability which falls to be met out of the revenues of Burma.

Duty of the Government of Burma to keep Secretary of State supplied with funds.

(2) Without prejudice to their obligations under the preceding subsection, the Government of Burma shall secure that there are from time to time in the hands of the Secretary of State, and any High Commissioner representing the Government of Burma in the United Kingdom, sufficient moneys to enable payment to be made of all pensions payable out of the revenues of Burma in the United Kingdom or through officers accounting to the Secretary of State or to any such High Commissioner as aforesaid.

PART VI. —*cont.*

Proceedings in the Legislature.

Annual financial statement.

59.—(1) The Governor shall in respect of every financial year cause to be laid before both Chambers of the Legislature a statement of the estimated receipts and expenditure of the Government of Burma for that year, in this Part of this Act referred to as the "annual financial statement."

(2) The estimates of expenditure embodied in the annual financial statement shall show separately—

(*a*) the sums required to meet expenditure described by this Act as expenditure charged upon the revenues of Burma; and

(*b*) the sums required to meet other expenditure proposed to be made from the revenues of Burma,

and shall distinguish expenditure on revenue account from other expenditure, and indicate the sums, if any, which are included solely because the Governor has directed their inclusion as being necessary for the due discharge of any of his special responsibilities.

(3) The following expenditure shall be expenditure charged on the revenues of Burma :—

(*a*) the salary and allowances of the Governor and other expenditure relating to his office for which provision is required to be made by Order in Council;

(*b*) debt charges for which the Government of Burma is liable, including interest, sinking fund charges and redemption charges, and other expenditure relating to the raising of loans and the service and redemption of debt;

(*c*) the salaries and allowances of ministers, of counsellors, of the financial adviser, of the Advocate-General, and of the staff of the financial adviser;

(*d*) the salaries, allowances, and pensions payable to and in respect of judges of the High Court;

(*e*) expenditure for the purpose of the discharge by the Governor of his functions with respect to defence, ecclesiastical affairs, monetary policy, currency and coinage, his functions with respect to external affairs in so far as he is by or under this Act required in the exercise thereof to act in his discretion, his functions in or in relation to areas in Burma which are not part of the territories of His Majesty and his functions in relation to the administration of any area specified in Part I of the Second Schedule to this Act: provided that the sum so charged in any year in respect of expenditure on ecclesiastical affairs shall not exceed two hundred and eighty-four thousand rupees, exclusive of pension charges;

Part VI. —*cont.*

(*f*) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal;

(*g*) any sums required to enable the Governor to pay such pensions and allowances as he in his discretion may deem suitable to members of the family or servants of any former Ruler of any territories in Burma;

(*h*) any other expenditure declared by this Act or any Act of the Legislature to be so charged.

(4) Any question whether any proposed expenditure falls within a class of expenditure charged on the revenues of Burma shall be decided by the Governor in his discretion.

Procedure in Legislature with respect to estimates.

60.—(1) So much of the estimates of expenditure as relates to expenditure charged upon the revenues of Burma shall not be submitted to the vote of the House of Representatives, but nothing in this subsection shall be construed as preventing the discussion in either Chamber of the Legislature of those estimates, other than estimates relating to expenditure referred to in sub-paragraph (*a*) of subsection (3) of the last preceding section.

(2) So much of the said estimates as relates to other expenditure shall be submitted, in the form of demands for grants, to the House of Representatives, and the House of Representatives shall have power to assent, or to refuse to assent, to any demand, or to assent to a demand subject to a reduction of the amount specified therein.

(3) No demand for a grant shall be made except on the recommendation of the Governor.

PART VI. —*cont.*

Authentication of schedule of authorised expenditure.

61.—(1) The Governor shall authenticate by his signature a schedule specifying—

(*a*) the grants made by the House of Representatives under the last preceding section;

(*b*) the several sums required to meet the expenditure charged on the revenues of Burma but not exceeding, in the case of any sum, the sum shown in the statement previously laid before the Chambers:

Provided that, if the House of Representatives have refused to assent to any demand for a grant or have assented to such a demand subject to a reduction of the amount specified therein, the Governor may, if in his opinion the refusal or reduction would affect the due discharge of any of his special responsibilities, include in the schedule such additional amount, if any, not exceeding the amount of the rejected demand or the reduction, as the case may be, as appears to him necessary in order to enable him to discharge that responsibility.

(2) The schedule so authenticated shall be laid before the House of Representatives but shall not be open to discussion or vote in the Legislature.

(3) Subject to the provisions of the next succeeding section, no expenditure from the revenues of Burma shall be deemed to be duly authorised unless it is specified in the schedule so authenticated.

Supplementary statements of expenditure.

62. If in respect of any financial year further expenditure from the revenues of Burma becomes necessary over and above the expenditure theretofore authorised for that year, the Governor shall cause to be laid before both Chambers of the Legislature a supplementary statement showing the estimated amount of that expenditure, and the provisions of the preceding sections shall have effect in relation to that statement and that expenditure as they have effect in relation to the annual financial statement and the expenditure mentioned therein.

Special provisions as to financial Bills.

63.—(1) A Bill or amendment making provision—

(*a*) for imposing or increasing any tax; or

(*b*) for regulating the borrowing of money or the giving of any guarantee by the Government, or for amending the law with respect to any financial obligations undertaken or to be undertaken by the Government; or

(*c*) for declaring any expenditure to be expenditure charged on the revenues of Burma, or for increasing the amount of any such expenditure,

shall not be introduced or moved except on the recommendation of the Governor, and a Bill making such provision shall not be introduced in the Senate.

(2) A Bill or amendment shall not be deemed to make provision for any of the purposes aforesaid by reason only that it provides for the imposition of fines or other pecuniary penalties, or for the demand and payment of fees for licences, or fees for services rendered.

(3) A Bill which, if enacted and brought into operation, would involve expenditure from the revenues of Burma shall not be passed by either Chamber of the Legislature unless the Governor has recommended to that Chamber the consideration of the Bill.

Borrowing.

Borrowing powers and existing loans.

64.—(1) The executive authority of Burma extends to borrowing upon the security of the revenues of Burma within such limits, if any, as may from time to time be fixed by Act of the Legislature, and to the giving of guarantees within such limits, if any, as may be so fixed.

(2) Any obligations of the Local Government of Burma which, immediately before the commencement of this Act, were secured upon its revenues, shall after the said date be secured upon the revenues of Burma.

Application of Colonial Stock Acts to stocks issued by Government of Burma.

65.—(1) The Colonial Stock Acts, 1877 to 1900, shall, notwithstanding anything to the contrary in those Acts, apply in relation to sterling stock issued after the commencement of this Act and forming part of the public debt of Burma as they apply in relation to stock forming part of the public debt of any British Possession mentioned in those Acts, so, however, that nothing in section twenty of the Colonial Stock Act, 1877, shall be construed as compelling a person desirous of bringing proceedings to proceed in the manner therein specified and that, until Parliament otherwise determines, any conditions prescribed by the Treasury under section two of the Colonial Stock Act, 1900, shall be deemed to have been complied with with

40 & 41 Vict. c. 59.

63 & 64 Vict. c. 62

PART VI. —*cont.*

respect to all such stock so issued by the Government of Burma.

11 & 12 Geo. 5. c. 58.

(2) The expression "colonial stock" in section eleven of the Trusts (Scotland) Act, 1921, shall include any stock in relation to which the said Acts apply by virtue of this section.

Audit and Accounts.

Auditor-General of Burma.

66.—(1) There shall be an Auditor-General of Burma who shall be appointed by His Majesty, and shall only be removed from office in like manner and on the like grounds as a judge of the High Court.

(2) The conditions of service of the Auditor-General shall be such as may be prescribed by His Majesty in Council, and he shall not be eligible for further office under the Crown in Burma after he has ceased to hold his office:

Provided that neither the salary of an Auditor-General, nor his rights in respect of leave of absence, pension or age of retirement, shall be varied to his disadvantage after his appointment.

(3) The Auditor-General shall perform such duties and exercise such powers in relation to the accounts of the Government of Burma as may be prescribed by, or by rules made under, an Order of His Majesty in Council, or by any subsequent Act of the Legislature varying or extending such an Order:

Provided that no Bill or amendment for the purpose aforesaid shall be introduced or moved without the previous sanction of the Governor in his discretion.

(4) The salary, allowances and pension payable to or in respect of an Auditor-General shall be charged on the revenues of Burma, and the salaries, allowances and pensions payable to or in respect of members of his staff shall be paid out of those revenues.

Accounts and audit.

67.—(1) The accounts of the Government of Burma shall be kept in such form as the Auditor-General of Burma may, with the approval of the Governor, prescribe.

(2) The reports of the Auditor-General relating to the accounts of the Government of Burma shall be submitted to the Governor who shall cause them to be laid before the Legislature.

(3) If His Majesty in Council makes provision requiring the Auditor of Indian Home Accounts to perform in relation to Burma all or any of the functions which he performs in relation to India—

(*a*) any payments required by the Order to be made in respect of his services from the revenues of Burma shall be so made and shall be charged on those revenues;

(*b*) any reports submitted by the Auditor of Indian Home Accounts to the Auditor-General of Burma shall be included by the Auditor-General in the reports which under this Part of this Act he is required to submit to the Governor, or to the Secretary of State.

Federated Shan States.

Provisions as to the Federated Shan States.

68.—(1) Until His Majesty in Council makes other provision, there shall continue to be a Federal Fund of the Federated Shan States under the control of the Governor in his discretion.

(2) His Majesty may by Order in Council—

(*a*) require contributions to be made to the said Fund out of the revenues of, or accruing in, the States comprised within the Federated Shan States;

(*b*) require payments (representing the share of the annual receipts of the Government of Burma on revenue account properly allocable to the said States) to be made from time to time out of the revenues of Burma to the said Fund;

(*c*) require payments (representing the share of the annual general expenses of the Government of Burma properly allocable to the said States) to be made from time to time out of the said Fund to the revenues of Burma; and

(*d*) make such other provision (including provision with respect to borrowing) as he thinks fit with respect to the manner in which the said Fund is to be dealt with.

(3) Any payments to be made under paragraph (*b*) of the last preceding subsection shall be charged on the revenues of Burma, and the amounts thereof and of

PART VI. —*cont.*

any payments to be made under paragraph (*c*) of the said subsection shall be shown in the financial statements required by this Part of this Act to be laid before the Burma Legislature but, save as aforesaid, nothing in this Act shall be construed as requiring any statement of payments into or out of the Federal Fund to be laid before that Legislature.

(4) Such accounts shall be kept in respect of the receipts and expenditure of the said Fund as the Auditor-General of Burma may, with the approval of the Governor in his discretion, prescribe, and the said accounts shall be audited by, or on behalf of, the Auditor-General of Burma, who shall make annual reports thereon to the Secretary of State.

PART VII.

THE BURMA RAILWAY BOARD.

Executive authority in respect of railways to be exercised by Railway Board.

69.—(1) The executive authority of Burma in respect of the regulation and the construction, maintenance and operation of railways in Burma shall be exercised by a Railway Board (hereinafter referred to as " the Board ").

(2) The said executive authority extends to the carrying on in connection with any railways operated by the Board of such other undertakings as either were being carried on in connection therewith by or on behalf of the Governor-General in Council immediately before the commencement of this Act, or as the Board may be authorised to carry on after the commencement of this Act by or under any Act of the Legislature.

(3) Notwithstanding anything in this section, the Government and its officers shall perform in regard to the construction, equipment and operation of railways, such functions for securing the safety both of members of the public and of persons operating the railways, including the holding of inquiries into the causes of accidents, as in the opinion of the Government should be performed by persons independent of the Board.

So much of Part IX of this Act as provides that powers in relation to the railway services of Burma shall be exercised by the Board shall not apply in relation to officers of the Government employed in the performance of any of the functions mentioned in this subsection.

Composition &c. of Railway Board.

70.—(1) The Board shall consist of a President and eight other members.

(2) The person who for the time being is, or is acting as, the chief executive officer of the railways operated by the Board (who shall be called the chief railway commissioner) shall be President of the Board.

The said chief railway commissioner shall be a person with experience of railway administration, and shall be appointed, and may at any time be removed from office, by the Governor in his discretion.

(3) Of the eight other members of the Board two shall be—

(*a*) a financial member, being a person with special experience of finance, who shall be appointed, and may at any time be removed from office, by the Governor exercising his individual judgment;

(*b*) the person who for the time being is, or is acting as, the secretary to the Government of Burma in the department which for the time being deals with the subject of railways.

The six other members of the Board are in this Act called the non-official members.

(4) Subject as aforesaid, the provisions of the Sixth Schedule to this Act, as supplemented or amended by any Act of the Legislature, shall have effect with respect to the appointment, qualifications and conditions of service of members of the Board, and with respect to its proceedings and its liability to income tax:

Provided that no Bill or amendment for supplementing or amending the said Schedule shall be introduced or moved in either Chamber of the Legislature without the previous sanction of the Governor in his discretion.

Directions and principles to be observed by Railway Board.

71.—(1) The Board in discharging its functions under this Act shall act on business principles, due regard being had by it to the interests of agriculture, industry, commerce and the general public, and in particular shall make proper provision for meeting out of its receipts on revenue account all expenditure to which such receipts are applicable under the provisions of this Part of this Act.

(2) In the discharge of its said functions the Board shall be guided by such instructions on questions of policy as may be given to it by the Government.

If any dispute arises under this subsection between the Government and the Board as to whether a question is or is not a question of policy, the decision of the Governor in his discretion shall be final.

(3) The provisions of subsection (1) of this section shall apply in relation to the discharge by the Government of their functions with respect to railways as they apply in relation to the functions of the Board, but nothing in this subsection shall be construed as limiting the powers of the Governor under the next succeeding subsection.

(4) The provisions of this Act relating to the special responsibilities of the Governor, and to his duty as regards certain matters to exercise his functions in his discretion or to exercise his individual judgment, shall apply as regards matters entrusted to the Board as if the executive authority of Burma in regard to those matters were vested in him, and as if the functions of the Board as regards those matters were the functions of ministers, and the Governor may issue to the Board such directions as he may deem necessary as regards any matter which appears to him to involve any of his special responsibilities, or as regards which he is by or under this Act required to act in his discretion or to exercise his individual judgment, and the Board shall give effect to any directions so issued to it.

Conduct of business between Railway Board and Government.

72.—(1) The Governor exercising his individual judgment, but after consultation with the Board, may make rules for the more convenient transaction of business arising out of the relations between the Government and the Board.

(2) The rules shall include provisions requiring the Board to transmit to the Government all such information with respect to its business as may be specified in the rules, or as the Governor may otherwise require to be so transmitted and, in particular, provisions requiring the Board to bring to the notice of the Governor any matter under consideration by the Board which involves, or appears to it likely to involve, any special responsibility of the Governor.

Part VII. —*cont.*

Acquisition and sale of land by, and contracts and liabilities of, the Railway Board.

73.—(1) Except in such classes of case as may be specified in regulations to be made by the Government, the Board shall not acquire or dispose of any land and, when it is necessary for the Board to acquire compulsorily any land for the purposes of its functions, the Government shall cause that land to be acquired on its behalf and at its expense.

(2) Contracts made by or on behalf of the Board shall be enforceable by or against the Board and not by or against the Government, and, subject to any provision which may hereafter be made by the Legislature, the Board may sue and be sued in the like manner and in the like cases as a company operating a railway might sue and be sued.

Finance of the Railway Board.

74.—(1) The Board shall establish, maintain and control a fund (which shall be known as the "Railway Fund") and all moneys received by the Board, whether on revenue account or on capital account, in the discharge of its functions and all moneys provided, whether on revenue account or capital account, out of the revenues of Burma to enable it to discharge those functions shall be paid into that Fund, and all expenditure, whether on revenue account or on capital account, required for the discharge of its functions shall be defrayed out of that Fund:

Provided that nothing in this subsection shall prevent the Board from establishing and maintaining a separate provident fund for the benefit of persons who are or have been employed in connection with railways operated by the Board.

(2) The receipts of the Board on revenue account in any financial year shall be applied in—

(*a*) defraying the working expenses of the railways operated by the Board;

(*b*) paying pensions and contributions to any provident fund;

(*c*) paying to the revenues of Burma an amount equal to so much of any pensions and contributions to provident funds charged by this Act on those revenues and so much of any pensions charged by the Government of India Act, 1935, on the revenues of the Federation of India, as is attributable to service on railways in Burma;

26 Geo. 5. c. 2.

Part VII. —*cont.*

(*d*) making due provision for maintenance, renewals, improvements and depreciation of and on the railways operated by the Board;

(*e*) making to the revenues of Burma any payments by way of interest which it is required by this Part of this Act to make; and

(*f*) defraying other expenses properly chargeable against revenue in that year.

(3) Any surpluses on revenue account shown in the accounts of the Board shall be apportioned between the Government and the Board in accordance with a scheme to be agreed between the Government and the Board, or, in default of agreement, determined by the Governor exercising his individual judgment, and any sum apportioned to the Government under this subsection shall be transferred accordingly and shall form part of the revenues of Burma.

(4) The Government may provide any moneys, whether on revenue account or capital account, for the purposes of the Board, but, where any moneys are so provided, the provision thereof shall be deemed to be expenditure and shall accordingly be shown as such in the estimates of expenditure laid before the Chambers of the Legislature.

(5) The Board shall, on such conditions as may be agreed, entrust all its money which is not immediately needed to the bank to which the balances of the Government of Burma are entrusted, and employ that bank as its agents for all transactions in Burma relating to remittances, exchange and banking.

Provisions as to certain obligations of the Railway Board.

75.—(1) There shall be deemed to be owing from the Board to the Government of Burma such sum as may be agreed between the Government of Burma and the Board, or, in default of agreement, determined by the Governor in his discretion, to be equivalent to the amount of the moneys provided out of the revenues of Burma, or, before the commencement of this Act, out of the revenues of India, for capital purposes in connection with railways in Burma, and the Board shall out of its receipts on revenue account pay to the Government interest on that amount at such rate as may be so agreed or determined, and also make payments in reduction of the principal of that amount in accordance with any repayment scheme so agreed or determined.

For the purposes of this subsection, where the Secretary of State in Council has assumed or incurred any obligation in connection with railways in Burma, he shall be deemed to have provided for the said purposes an amount equal to the capital value of that obligation as shown in the accounts of the Government of India immediately before the commencement of this Act.

Nothing in this subsection shall be construed as preventing the Board from making payments to the Government of Burma in reduction of the principal of any such amount as aforesaid out of moneys other than receipts on revenue account.

(2) It shall be an obligation to the Board to repay to the Government any sums defrayed out of the revenues of Burma in respect of any debt, damages, costs or expenses in or in connection with any proceedings brought or continued by or against the Government of Burma or against the Secretary of State under Part X of this Act in respect of railways in Burma.

(3) It shall be an obligation of the Board to pay to the Government such sum as may be agreed, or, in default of agreement, determined by the Governor exercising his individual judgment, to be the equivalent of the expenses incurred by the Government in the provision of police required for the maintenance of order on the premises of railways operated by the Board.

Investment of funds of Railway Board.

76. Subject to such conditions, if any, as may be prescribed by the Government, the Board may from time to time invest any moneys in the railway fund or a provident fund which are not for the time being required to meet expenses properly defrayable out of that fund and may, subject as aforesaid, from time to time transfer and realise investments so made by it.

Special provisions as to certain existing funds.

77.—(1) There shall be deemed to be owing by the Government of Burma to the Board such sum as may be declared by His Majesty in Council to represent the amount of the existing railway funds attributable to the railways in Burma, but no sum shall be paid by the Government of Burma to the Board in respect of the money so deemed to be owing except in respect of expenses of the Board which could, if neither this Act nor the Government of India Act, 1935, had been passed, have properly been met out of the said funds respectively.

Part VII. —*cont.*

(2) The Government of Burma shall credit the Board with interest on the amount from time to time deemed to be owing under subsection (1) of this section at such rate as may from time to time be agreed between the Government and the Board or as may, in default of agreement, be from time to time determined by the Governor in his discretion, and any interest so credited shall be treated as an addition to the sum deemed to be owing under the said subsection.

(3) In this section "the existing railway funds" means the funds known respectively as the railway provident fund, the railway reserve fund and the railway depreciation fund which immediately before the commencement of this Act were held by, or were shown in the accounts of the Government of India as held by, the Governor-General in Council.

Audit and annual reports.

78.—(1) The accounts of the receipts and expenditure of the Board shall be audited and certified by, or on behalf of, the Auditor-General.

(2) The Board shall publish annually a report of its operations during the preceding year and a statement of accounts in a form approved by the Auditor-General.

Railway Rates Committee.

79. The Governor may from time to time appoint a Railway Rates Committee to advise the Board in connection with any dispute between the Board and persons using, or desiring to use, the railways operated by the Board as to rates or traffic facilities which he may require the Board to refer to the Committee.

Bills and amendments for regulating rates and fares to require recommendation of Governor.

80. A Bill or amendment making provision for regulating the rates or fares to be charged on any railway shall not be introduced or moved in either Chamber of the Legislature except on the recommendation of the Governor.

PART VIII.

THE HIGH COURT.

Constitution of High Court.

81.—(1) The High Court at Rangoon (in this Act called the High Court) shall continue, and shall be a court of record, and shall consist of a chief justice and such number of other judges as His Majesty may deem it necessary to appoint:

Provided that the judges so appointed, together with any additional judges appointed by the Governor in accordance with the following provisions of this Part of this Act, shall at no time exceed in number such maximum number as His Majesty in Council may fix.

(2) Every judge of the High Court shall be appointed by His Majesty by warrant under the Royal Sign Manual and shall hold office until he attains the age of sixty years:

Provided that—

(*a*) a judge may by resignation under his hand addressed to the Governor resign his office;

(*b*) a judge may be removed from his office by His Majesty by warrant under the Royal Sign Manual on the ground of misbehaviour or of infirmity of mind or body, if the Judicial Committee of the Privy Council, on reference being made to them by His Majesty, report that the judge ought on any such ground to be removed.

(3) A person shall not be qualified for appointment as a judge of the High Court unless he—

(*a*) is a barrister of England or Northern Ireland of at least ten years standing, or a member of the Faculty of Advocates in Scotland of at least ten years standing; or

(*b*) is a member of the Indian Civil Service or the Burma Civil Service (Class I) of at least ten years' standing, who has for at least three years served as, or exercised the powers of, a district judge; or

(*c*) has for at least five years held judicial office in Burma not inferior to that of a district judge or judge of the small cause court of Rangoon; or

(*d*) has for at least ten years been an advocate of the High Court:

Provided that a person shall not, unless he is, or when first appointed to judicial office was, a barrister, a member of the Faculty of Advocates or an advocate of

Part VIII. —*cont.*

the High Court, be qualified for appointment as chief justice of the High Court until he has served for not less than three years as a judge of the High Court.

In computing for the purpose of this subsection the standing of a barrister or a member of the Faculty of Advocates, or the period during which a person has been an advocate, any period during which he has held judicial office after he became a barrister, a member of the Faculty of Advocates or an advocate, as the case may be, shall be included.

(4) Every person appointed to be a judge of the High Court shall, before he enters upon his office, make and subscribe before the Governor or some person appointed by him an oath according to the form set out in that behalf in the Fifth Schedule to this Act.

Salaries, &c. of judges.

82. The judges of the High Court shall be entitled to such salaries and allowances, including allowances for expenses in respect of equipment and travelling upon appointment, and to such rights in respect of leave of absence and pensions, as may from time to time be fixed by His Majesty in Council:

Provided that neither the salary of a judge, nor his rights in respect of leave of absence or pension, shall be varied to his disadvantage after his appointment.

Temporary and additional judges.

83.—(1) If the office of chief justice of the High Court becomes vacant, or if the chief justice is by reason of absence, or for any other reason, unable to perform the duties of his office, those duties shall, until some person appointed by His Majesty to the vacant office has entered on the duties thereof, or until the chief justice has resumed his duties, as the case may be, be performed by such one of the other judges of the court as the Governor may in his discretion think fit to appoint for the purpose.

(2) If the office of any other judge of the High Court becomes vacant, or if any such judge is appointed to act temporarily as chief justice, or is by reason of absence, or for any other reason, unable to perform the duties of his office, the Governor may in his discretion appoint a person duly qualified for appointment as a judge to act as a judge of the court, and the person so

appointed shall, unless the Governor in his discretion thinks fit to revoke his appointment, be deemed to be a judge of the court, until some person appointed by His Majesty to the vacant office has entered on the duties thereof, or until the permanent judge has resumed his duties.

(3) If, by reason of any temporary increase in the business of the High Court or by reason of arrears of work in that Court, it appears to the Governor that the number of the judges of the Court should be for the time being increased, the Governor in his discretion may, subject to the foregoing provisions of this Part of this Act with respect to the maximum number of judges, appoint persons duly qualified for appointment as judges to be additional judges of the Court for such period not exceeding two years as he may specify.

Jurisdiction of High Court.

84. Subject to the provisions of this Act, to the provisions of any Order in Council made under this or any other Act and to the provisions of any Act of the Legislature, the jurisdiction of, and the law administered in, the High Court and the respective powers of the judges thereof in relation to the administration of justice in the court, including any power to make rules of court, and to regulate the sittings of the court and of members thereof sitting alone or in division courts, shall be the same as immediately before the commencement of this Act.

Administrative functions of High Court.

85.—(1) The High Court has superintendence over all courts for the time being subject to its appellate jurisdiction, and may do any of the following things, that is to say :—

(*a*) call for returns;

(*b*) make and issue general rules and prescribe forms for regulating the practice and proceedings of such courts;

(*c*) prescribe forms in which books, entries and accounts shall be kept by the officers of any such courts; and

(*d*) settle tables of fees to be allowed to the sheriff, attorneys, and all clerks and officers of courts :

PART VIII. —*cont.*

Provided that such rules, forms and tables shall not be inconsistent with the provisions of any law for the time being in force, and shall require the previous approval of the Governor.

(2) Nothing in this section shall be construed as giving to the High Court any jurisdiction to question any judgment of any inferior court which is not otherwise subject to appeal or revision.

Jurisdiction in revenue matters.

86.—(1) Until otherwise provided by Act of the Legislature, the High Court shall not have any original jurisdiction in any matter concerning the revenue, or concerning any act ordered or done in the collection thereof according to the usage or practice of the country, or the law for the time being in force.

(2) A Bill or amendment for making such provision as aforesaid shall not be introduced or moved in either Chamber of the Legislature without the previous sanction of the Governor in his discretion.

Additional appeal to His Majesty as respects interpretation of this Act.

3 & 4 Will.4. c. 41.

87.—(1) In addition to any other right of appeal, there shall, subject to the provisions of section twenty of the Judicial Committee Act, 1833 (which relates to the time for appealing), be a right of appeal to His Majesty in Council from any decision of the High Court on the ground that a question of law with respect to the interpretation of this Act, or any Order in Council made thereunder, has been wrongly decided.

(2) Nothing in this Act shall be construed as authorising the Legislature to derogate from any prerogative right of His Majesty to grant special leave to appeal in any case.

Proceedings in High Court to be in English.

88. All proceedings in the High Court shall be in the English language.

Expenses of High Court.

89.—(1) The administrative expenses of the High Court, including all salaries, allowances and pensions payable to or in respect of judges, officers and servants of the Court, shall be charged upon the revenues of Burma, and any fees or other moneys taken by the Court shall form part of those revenues.

(2) The Governor shall exercise his individual judgment as to the amount to be included in respect of

such expenses as aforesaid in any estimates of expenditure laid by him before the Legislature.

(3) Nothing in this Act shall render a pension payable to, or in respect of, a judge of the High Court who retired before the commencement of this Act chargeable upon the revenues of Burma.

Saving.

90. Any judge appointed before the commencement of this Act to the High Court shall continue in office and shall be deemed to have been appointed under this Part of this Act, but shall not by virtue of this Act be required to relinquish his office at an earlier age than he would have been required so to do if neither this Act nor the Government of India Act, 1935, had been passed.

PART IX.

The Services of the Crown in Burma.

Defence Services.

Control of His Majesty as to defence appointments.

91.—(1) His Majesty in Council may require that appointments to such offices connected with defence as he may specify shall be made by him, or in such manner as he may direct.

(2) Nothing in this section derogates from any power vested in His Majesty by virtue of any Act, or by virtue of his Royal Prerogative.

Eligibility for commissions in Burman forces.

92. The power of His Majesty, and of any person authorised in that behalf by His Majesty, to grant commissions in any naval, military or air forces raised in Burma extends to the granting of a commission in any such force to any person who might be, or has been, lawfully enlisted or enrolled in that force.

Control of Secretary of State with respect to conditions of service.

93. Without prejudice to the generality of the powers conferred on him by this Act, the Secretary of State, acting with the concurrence of his advisers, may from time to time specify what rules, regulations and orders affecting the conditions of service of all or any of His Majesty's forces in Burma shall be made only with his previous approval.

Part IX. *cont.*—

Saving of rights of appeal.

94. Nothing in this Act affects any right of appeal which members of His Majesty's forces in Burma enjoyed immediately before the passing of this Act, and the Secretary of State may entertain any such memorial from a member of those forces as the Secretary of State, or the Secretary of State in Council, might previously have entertained.

Pay, &c., of members of forces to be charged on revenues of Burma.

95. Any sums payable out of the revenues of Burma in respect of pay, allowances, pensions or other sums payable to, or in respect of, persons who are serving, or have served, in His Majesty's forces shall be charged on those revenues, but nothing herein contained shall be construed as limiting the interpretation of the general provisions of this Act charging on the said revenues expenditure with respect to defence.

Provision as to certain civilian personnel.

96. The provisions of the three last preceding sections shall apply in relation to persons who, not being members of His Majesty's forces, hold, or have held, posts in Burma connected with the equipment or administration of those forces or otherwise connected with defence, as they apply in relation to persons who are, or have been, members of those forces.

General Provisions as to Civil Services.

Tenure of office of persons employed in civil capacities in Burma.

97.—(1) Except as expressly provided by this Act, every person who is a member of a civil service of the Crown in Burma, or holds any civil post under the Crown in Burma, holds office during His Majesty's pleasure.

(2) No such person as aforesaid shall be dismissed from the service of His Majesty by any authority subordinate to that by which he was appointed.

(3) No such person as aforesaid shall be dismissed or reduced in rank until he has been given a reasonable opportunity of showing cause against the action proposed to be taken in regard to him :

Provided that this subsection shall not apply—

(*a*) where a person is dismissed or reduced in rank on the ground of conduct which has led to his conviction on a criminal charge; or (*b*) where an authority empowered to dismiss a person or reduce him in rank is satisfied that for some reason, to be recorded by that authority in writing, it is not reasonably practicable to give to that person an opportunity of showing cause.

PART IX. —*cont.*

(4) Notwithstanding that a person holding a civil post under the Crown in Burma holds office during His Majesty's pleasure, any contract under which a person, not being a member of a civil service of the Crown in Burma, is appointed under this Act to hold such a post may, if the Governor deems it necessary in order to secure the services of a person having special qualifications, provide for the payment to him of compensation if before the expiration of an agreed period that post is abolished or he is, for reasons not connected with any misconduct on his part, required to vacate that post.

Recruitment and conditions of service.

98.—(1) Except as expressly provided by this Act, appointments to the civil services of, and civil posts under, the Crown in Burma, shall, after the commencement of this Act, be made by the Governor or such person as he may direct.

(2) Except as expressly provided by this Act, the conditions of service of persons serving His Majesty in a civil capacity in Burma shall, subject to the provisions of this section, be such as may be prescribed by rules made by the Governor or some person authorised by him to make rules for the purpose:

Provided that it shall not be necessary to make rules regulating the conditions of service of persons appointed temporarily on the terms that their employment may be terminated on one month's notice or less, and nothing in this subsection shall be construed as requiring the rules regulating the conditions of service of any class of persons to extend to any matter which appears to the rule-making authority to be a matter not suitable for regulation by rule in the case of that class.

(3) The said rules shall be so framed as to secure—

(*a*) that, in the case of a person who before the commencement of this Act was serving His

Part IX. —*cont.*

Majesty in a civil capacity in India or Burma, no order which alters or interprets to his disadvantage any rule by which his conditions of service are regulated shall be made except by an authority in Burma which would have been competent to make such an order on the eighth day of March, nineteen hundred and twenty-six, or by some person empowered by the Secretary of State to give directions in that respect;

(*b*) that every such person as aforesaid shall have the same rights of appeal to the same authorities from any order which—

(i) punishes or formally censures him; or

(ii) alters or interprets to his disadvantage any rule by which his conditions of service are regulated; or

(iii) terminates his appointment otherwise than upon his reaching the age fixed for superannuation,

as he would have had immediately before the commencement of this Act, or such similar rights of appeal to such corresponding authorities as may be directed by the Secretary of State, or by some person empowered by the Secretary of State to give directions in that respect;

(*c*) that every other person serving His Majesty in a civil capacity in Burma shall have at least one appeal against any such order as aforesaid, not being an order of the Governor.

(4) Notwithstanding anything in this section, but subject to any other provision of this Act, Acts of the Legislature may regulate the conditions of service of persons serving His Majesty in a civil capacity in Burma, and any rules made under this section shall have effect subject to the provisions of any such Act:

Provided that nothing in any such Act shall have effect so as to deprive any person of any rights required to be given to him by the provisions of the last preceding subsection.

(5) No rules made under this section and no Act of the Legislature shall be construed to limit or abridge the power of the Governor to deal with the case of any person serving His Majesty in a civil capacity in Burma in such manner as may appear to him to be just and equitable:

Provided that, where any such rule or Act is applicable to the case of any person, the case shall not be dealt with in any manner less favourable to him than that provided by that rule or Act.

Application of preceding section to railway services and officials of High Court.

99.—(1) In its application to appointments to, and to persons serving in, the railway services, the last preceding section shall have effect as if for any reference to the Governor in subsections (1), (2) and (5) there were substituted a reference to the Railway Board.

(2) In framing rules for the regulation of recruitment to superior railway posts, the Railway Board shall consult the Public Service Commission, but, save as aforesaid, it shall not be obligatory on the Board to consult with, or otherwise avail themselves of the services of, the Commission.

(3) In its application to appointments to, and to persons serving on, the staff attached to the High Court, the said section shall have effect as if for any reference to the Governor in subsections (1), (2) and (5) there were substituted a reference to the chief justice:

Provided that—

(*a*) the Governor may in his discretion require that in such cases as he may in his discretion direct no person not already attached to the court shall be appointed to any office connected with the court save after consultation with the Public Service Commission;

(*b*) rules made under the said subsection (2) by the chief justice shall, so far as they relate to salaries, allowances, leave or pensions, require the approval of the Governor.

Special provisions as to police.

100. Notwithstanding anything in the foregoing provisions of this Part of this Act the conditions of service of the subordinate ranks of the police forces shall be such as may be determined by or under the Acts relating to those forces respectively.

PART IX. —*cont.*

Recruitment by Secretary of State and provisions as to certain civil posts.

Services recruited by the Secretary of State.

101.—(1) There shall be civil services in Burma corresponding to the Indian Civil Service and the Indian Police Service, which shall be known respectively as the Burma Civil Service (Class 1) and the Burma Police (Class 1), and appointment to those services shall, until Parliament otherwise determines, be made by the Secretary of State.

(2) Until Parliament otherwise determines, the Secretary of State may also make appointments to any service or services which at any time he may deem it necessary to establish in Burma for the purpose of securing the recruitment of suitable persons to fill civil posts in connection with the discharge of any functions of the Governor which the Governor is by or under this Act required to exercise in his discretion.

(3) The respective strengths of the said services shall be such as the Secretary of State may from time to time prescribe, and the Secretary of State shall in each year cause to be laid before each House of Parliament a statement of the appointments made thereto and the vacancies therein.

(4) It shall be the duty of the Governor to keep the Secretary of State informed as to the operation of this and the next succeeding section, and he may after the expiration of such period as he thinks fit make recommendations for the modification thereof.

In discharging his functions under this subsection, the Governor shall act in his discretion.

Power of Secretary of State to make medical appointments in Burma.

102. Until Parliament otherwise determines, the Secretary of State may appoint persons to any civil medical service of, or civil medical post under, the Crown in Burma.

Special provision as to irrigation.

103. Until Parliament otherwise determines, the Secretary of State may for the purpose of securing efficiency in irrigation or the prevention of flooding, appoint persons to any civil service of, or civil post under, the Crown in Burma concerned with those matters.

Reserved posts.

104.—(1) The Secretary of State shall make rules specifying the number and character of the civil posts under the Crown (other than posts in connection with any functions of the Governor which the Governor is by or under this Act required to exercise in his discretion), which, subject to the provisions of this subsection, are to be filled by persons appointed by the Secretary of State to a civil service of, or a civil post under, the Crown in Burma, and except under such conditions as may be prescribed in the rules no such post shall, without the previous sanction of the Secretary of State—

(*a*) be kept vacant for more than three months; or

(*b*) be filled otherwise than by the appointment of such a person as aforesaid; or

(*c*) be held jointly with any other such post.

(2) Appointments and postings to the said posts (hereafter in this Part of this Act referred to as "reserved posts") shall be made by the Governor, exercising his individual judgment.

(3) All rules made under this section shall, so soon as may be after they are made, be laid before each House of Parliament, and if either House of Parliament within the next subsequent twenty-eight days on which that House has sat after any such rule has been laid before it resolves that the rule shall be annulled, the rule shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder or to the making of a new rule.

Conditions of service, pensions, &c., of persons recruited by Secretary of State.

105.—(1) The conditions of service of all persons appointed to a civil service or a civil post in Burma by the Secretary of State shall—

(*a*) as respects pay, leave and pensions and general rights in regard to medical attendance, be such as may be prescribed by rules to be made by the Secretary of State;

(*b*) as respects other matters with respect to which express provision is not made by this Part of this Act be such as may be prescribed by rules to be made by the Secretary of State, in so far as he thinks fit to make such rules, and, in

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so far and so long as provision is not made by such rules, by rules to be made by the Governor or some person authorised by the Governor to make rules for the purpose :

Provided that no rule made under this subsection shall have effect so as to give to any person appointed to a civil service or civil post by the Secretary of State less favourable terms as respects remuneration or pension than were given to him by the rules in force on the date on which he was first appointed to his service or was appointed to his post.

(2) Any promotion of any person appointed to a civil service or a civil post by the Secretary of State or any order relating to leave of not less than three months of any such person, or any order suspending any such person from office, shall be made by the Governor, exercising his individual judgment.

(3) If any such person as aforesaid is suspended from office, his remuneration shall not, during the period of his suspension, be reduced except to such extent, if any, as may be directed by the Governor, exercising his individual judgment.

(4) Any salary, allowances or pension payable to, or in respect of any such person as aforesaid, and Government contributions in respect of any such person as aforesaid to any pension fund or provident fund, shall be charged on the revenues of Burma :

Provided that, if any such person is serving in connection with the railways in Burma, so much only of his salary and allowances shall be charged on the revenues of Burma as is not paid out of the Railway Fund.

(5) No award of a pension less than the maximum pension allowable under rules made under this section shall be made, except in each case with the consent of the Secretary of State.

(6) No rules made under this section shall be construed to limit or abridge the power of the Secretary of State to deal with the case of any person serving His Majesty in a civil capacity in Burma in such manner as may appear to him to be just and equitable, and no rules made under this section by any person other than the Secretary of State shall be construed to limit or abridge the power of the Governor to deal with the case of any

such person in such manner as may appear to him to be just and equitable:

Provided that, where any rule made under this section is applicable to the case of any person, the case shall not be dealt with in any manner less favourable to him than that provided by the rule.

Rights in respect of complaints, appeals, &c.

106.—(1) If any person appointed to a civil service or a civil post by the Secretary of State is aggrieved by an order made by any authority in Burma affecting his conditions of service and on due application to the person by whom the order was made does not receive the redress to which he considers himself entitled, he may, without prejudice to any other mode of obtaining redress, complain to the Governor, and the Governor shall examine into the complaint and cause such action to be taken thereon as appears to him exercising his individual judgment to be just and equitable.

(2) No order made by any authority in Burma which punishes or formally censures any such person as aforesaid, or affects adversely his emoluments or rights in respect of pension, or decides adversely to him the subject-matter of any memorial, shall be made except by the Governor, exercising his individual judgment.

(3) Any person appointed to a civil service or a civil post by the Secretary of State may appeal to the Secretary of State against any order made by any authority in Burma which punishes or formally censures him, or alters or interprets to his disadvantage any rule by which his conditions of service are regulated.

(4) Any sums ordered to be paid out of the revenues of Burma to or in respect of any such person as aforesaid on an appeal made under this section shall be charged on those revenues.

Compensation.

107.—(1) If by reason of anything done under this Part of this Act the conditions of service of any person appointed to a civil service or a civil post in Burma by the Secretary of State have been adversely affected, or if for any other reason it appears to the Secretary of State that compensation ought to be granted to, or in respect of, any such person, he or his representatives shall be entitled to receive from the revenues of Burma

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such compensation as the Secretary of State may consider just and equitable.

(2) Any sum payable under this section from the revenues of Burma shall be charged on those revenues.

(3) For the avoidance of doubt it is hereby declared that the foregoing provisions of this section in no way prohibit expenditure by the Governor from the revenues of Burma by way of compensation to persons who are serving or have served His Majesty in Burma in cases to which those provisions do not apply.

Provision as to persons appointed by Secretary of State in Council, persons holding reserved posts and commissioned officers in civil employment.

Application of four last preceding sections to persons appointed by Secretary of State in Council, and certain other persons.

108.—(1) Subject to the provisions of this section, the provisions of the four last preceding sections and any rules made thereunder shall apply in relation to any person who was appointed before the commencement of this Act by the Secretary of State in Council to a civil service of, or a civil post under, the Crown in Burma as they apply in relation to persons appointed to a civil service or civil post by the Secretary of State.

(2) Subject to the provisions of this section, the said sections and rules shall, in such cases and with such exceptions and modifications as the Secretary of State may decide, also apply to any person who—

(*a*) not being a person appointed as aforesaid by the Secretary of State or the Secretary of State in Council, holds or has held a reserved post; or

(*b*) holds or has held any civil post under the Crown in Burma and is, or was when he was first appointed to such a post or to a civil post under the Crown in India, an officer in His Majesty's forces.

(3) In relation to any person who was appointed before the commencement of this Act to a civil service of, or to a civil post under, the Crown in Burma, the provision contained in the sections aforesaid that no rule as to conditions of service shall have effect so as to give to any person less favourable terms as regards remuneration or pension than were given to him by the rules in force on the date on which

he was first appointed to his service or was appointed to his post, shall be construed as a provision that no such rule shall have effect so as to give to any person less favourable terms as respects the said matters than were given to him by the rules in force immediately before the coming into operation of the rule.

(4) In its application by virtue of this section to persons serving in the railway services of Burma, the second of the four last preceding sections (which relates to the conditions of service, pensions, &c., of persons recruited by the Secretary of State) shall have effect as if for any reference to the Governor in paragraph (*b*) of subsection (1) thereof and in subsections (2), (3) and (6) thereof there were substituted a reference to the Railway Board.

(5) Any liability of the Government of Burma to or in respect of any person appointed before the commencement of this Act to a civil service of, or a civil post under, the Crown in Burma, being a liability to pay a pension granted to or in respect of any such person as aforesaid, or any other liability of such a nature as to have been enforceable in legal proceedings against the Secretary of State in Council if neither this Act nor the Government of India Act, 1935, had been passed, shall, notwithstanding anything in this Act, be deemed, for the purposes of the provisions of Part X of this Act relating to legal proceedings, to be a liability arising under a statute passed before the commencement of this Act.

(6) Nothing in this section shall be construed as charging on the revenues of Burma any pensions payable to or in respect of any person to whom this section applies who retired from the service of His Majesty before the commencement of this Act.

Special Provisions as to Judicial Officers.

Judges of the High Court.

109.—(1) The foregoing provisions of this Part of this Act shall not apply to the judges of the High Court:

Provided that—

(*a*) for the purposes of this section a member of any of the civil services of the Crown in Burma who is acting temporarily as a judge of the High Court shall not be deemed to be a judge of that court;

PART IX. —*cont.*

(*b*) nothing in this section shall be construed as preventing the Orders in Council relating to the salaries, leave and pensions of judges of the High Court from applying to such of those judges as were, before they were appointed judges, members of a civil service of the Crown in Burma or India, such of the rules relating to that service or the corresponding service in Burma as may appear to His Majesty to be properly applicable in relation to them.

(2) Any liability of the Government of Burma to or in respect of any person who is at the commencement of this Act a judge of the High Court, being a liability to pay a pension granted to or in respect of any such person as aforesaid, or any other liability of such a nature as to have been enforceable in legal proceedings against the Secretary of State in Council if neither this Act nor the Government of India Act, 1935, had been passed, shall, notwithstanding anything in this Act, be deemed, for the purposes of the provisions of Part X of this Act relating to legal proceedings, to be a liability arising under a statute passed before the commencement of this Act.

District judges, &c.

110.—(1) Appointments of persons to be, and the posting and promotion of, district judges in Burma shall be made by the Governor, exercising his individual judgment, and the High Court shall be consulted before a recommendation as to the making of any such appointment is submitted to the Governor.

(2) A person not already in the service of His Majesty shall only be eligible to be appointed a district judge if he has been for not less than five years a barrister, a member of the Faculty of Advocates, or an advocate and is recommended by the High Court for appointment.

(3) In this and the next succeeding section the expression " district judge " includes district and sessions judge, sessions judge, chief judge of the small cause court, Rangoon, additional district and sessions judge, additional district judge and additional sessions judge.

Subordinate civil judicial service.

111.—(1) The Governor shall, after consultation with the Public Service Commission and with the High Court, make rules defining the standard of qualifications to be attained by persons desirous of entering a subordinate civil judicial service.

In this section the expression "subordinate civil judicial service" means a service consisting of persons intended to fill civil judicial posts in Burma subordinate to that of district judge.

(2) The Public Service Commission, after holding such examinations, if any, as the Governor may think necessary, shall from time to time out of the candidates for appointment to a subordinate civil judicial service make a list or lists of the persons whom they consider fit for appointment, and appointments shall be made by the Governor from the persons included in the list or lists.

(3) The posting and promotion of, and the grant of leave to, persons belonging to a subordinate civil judicial service and holding any post inferior to the post of district judge, shall be in the hands of the High Court, but nothing in this section shall be construed as taking away from any such person the right of appeal required to be given to him by the foregoing provisions of this Part of this Act, or as authorising the High Court to deal with any such person otherwise than in accordance with the conditions of his service prescribed thereunder.

In this subsection the expression "promotion" does not include promotion from one service to another.

Subordinate criminal magistracy.

112. No recommendation shall be made for the grant of magisterial powers or of enhanced magisterial powers to, or the withdrawal of any magisterial powers from, any person save after consultation with the district magistrate of the district in which he is working.

Special Provisions as to Burma Frontier Service.

Burma Frontier Service.

113.—(1) Appointments to the Burma Frontier Service shall be made by the Governor in his discretion, and in relation to persons who are or have been members of that service the powers of the Governor under this Part of this Act shall be exercised by him in his discretion.

(2) Except so far as the Governor in his discretion otherwise directs, no Act of the Legislature for regulating the conditions of service of persons serving His Majesty in

a civil capacity in Burma shall apply in relation to persons who are members of the Burma Frontier Service.

(3) Any salaries, allowances or pensions payable to or in respect of any persons who are or have been members of the Burma Frontier Service, and any Government contributions in respect of any such person to any pension fund or provident fund, shall be charged on the revenues of Burma.

Provisions for the protection of certain existing officers.

Provision for protection of existing officers of certain services.

114.—(1) No civil post in Burma which, immediately before the commencement of this Act, was a post in, or a post required to be held by some member of, a Central Service Class I, a Central Service Class II, a Railway Service Class I, a Railway Service Class II, or a Provincial Service, shall, if the abolition thereof would adversely affect any person who immediately before the said date was a member of any such service, be abolished, except by the Governor, exercising his individual judgment.

(2) No rule or order affecting adversely the pay, allowances or pensions payable to, or in respect of, a person appointed before the commencement of this Act to a Central Service Class I, a Railway Service Class I or a Provincial Service, and no order upon a memorial submitted by any such person, shall be made except by the Governor, exercising his individual judgment.

(3) In relation to any person mentioned in this section who was appointed to a civil service of, or civil post under, the Crown in Burma by the Secretary of State or the Secretary of State in Council, or is an officer in His Majesty's forces, the foregoing provisions of this section shall have effect as if for the reference to the Governor there was substituted a reference to the Secretary of State.

Provisions as to certain persons serving in or before 1924.

115.—(1) The salary and allowances of any person who was appointed before the first day of April, nineteen hundred and twenty-four, otherwise than by the Secretary of State in Council, to a service or a post which at any time between that date and the commencement of this Act was classified as a superior service or post shall be charged on the revenues of Burma:

Provided that, if any such person as aforesaid is serving in connection with the railways in Burma, so much only of his salary and allowances shall be charged on the revenues of Burma as is not paid out of the Railway Fund.

(2) Any pension payable to or in respect of any such person as aforesaid, and any government contributions to any provident fund or pensions fund in respect of any such person, shall be charged on the revenues of Burma.

(3) Nothing in this section shall be construed as charging on the revenues of Burma any pension payable to or in respect of any person who retired from the service of His Majesty before the commencement of this Act.

General provisions as to persons retiring before commencement of this Act.

116.—(1) Any pension payable to or in respect of any person who, having been appointed to a civil service of, or a civil post under, the Crown in Burma, retired from the service of His Majesty before the commencement of this Act shall be paid out of the revenues of Burma, if it would have been payable by the Local Government of Burma if neither this Act nor the Government of India Act, 1935, had been passed:

Provided that nothing in this subsection shall apply to any pension which is charged on or payable out of the revenues of the Federation of India.

(2) There shall be paid to the Federation out of the revenues of Burma and charged on those revenues such sums as may be required to make good to the revenues of the Federation any liability in respect of any pension charged on or payable out of the revenues of the Federation which would, if neither this Act nor the Government of India Act, 1935, had been passed, have been a liability of the Local Government of Burma.

Miscellaneous provisions as to civil services.

Application to members of Indian services serving in Burma.

117. In this Part of this Act references to persons appointed to a civil service of the Crown in Burma include references to persons appointed before the commencement of this Act to a civil service

Part IX. —*cont.*

of the Crown in India who were, before that date, serving in Burma and continue so to serve, and the requirement that no person shall be dismissed from the service of His Majesty by any authority subordinate to that by which he was appointed shall, in relation to any such person appointed by any authority in India, be construed as a requirement that he shall not be so dismissed by any authority subordinate to such authority in Burma as the Governor may, in his discretion, decide to correspond to the authority by which he was appointed.

Secretary of State to act with concurrence of his advisers.

118. The powers conferred by the provisions of this Part of this Act on the Secretary of State (other than powers in relation to defence services) shall not be exercisable by him except with the concurrence of his advisers and the advisers of the Secretary of State appointed under the Government of India Act, 1935.

Public Service Commission.

Composition, staff and expenses of Public Service Commission.

119.—(1) There shall be a Public Service Commission, the chairman and other members whereof shall be appointed by the Governor in his discretion:

Provided that at least one-half of the members of the Public Service Commission shall be persons who, at the dates of their respective appointments, have held office for at least ten years under the Crown in Burma or India.

(2) The Governor in his discretion may by regulations—

(*a*) determine the number of members of the Commission, their tenure of office, and their conditions of service;

(*b*) make provision with respect to the numbers of staff of the Commission and their conditions of service.

(3) On ceasing to hold office—

(*a*) the chairman of the Commission shall be ineligible for further employment under the Crown in Burma;

(*b*) no other member of the Commission shall be eligible for any other appointment under the Crown in Burma without the approval of the Governor in his discretion.

(4) The expenses of the Commission, including any salaries, allowances and pensions payable to or in respect of the members or staff of the Commission, shall be charged on the revenues of Burma.

Functions of Public Service Commission.

120.—(1) It shall be the duty of the Public Service Commission to conduct examinations for appointments to civil services.

(2) The Secretary of State, as respects services and posts to which appointments are made by him, and the Governor in his discretion as respects other services and posts, may make regulations specifying the matters on which either generally, or in any particular class of case, or in any particular circumstances, it shall not be necessary for the Public Service Commission to be consulted, but, subject to regulations so made, the Commission shall be consulted—

(*a*) on all matters relating to methods of recruitment to civil services and for civil posts;

(*b*) on the principles to be followed in making appointments to civil services and posts and in making promotions and transfers from one service to another, and on the suitability of candidates for such appointments, promotions or transfers;

(*c*) on all disciplinary matters affecting a person serving His Majesty in a civil capacity in Burma, including memorials or petitions relating to such matters;

(*d*) on any claim by or in respect of a person who is serving or has served His Majesty in a civil capacity that any costs incurred by him in defending legal proceedings instituted against him in respect of acts done or purporting to be done in the execution of his duty should be paid out of the revenues of Burma;

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(*e*) on any claim for the award of a pension in respect of injuries sustained by a person while serving His Majesty in a civil capacity in Burma, and any question as to the amount of any such award;

(*f*) on any claim by a person serving His Majesty in a civil capacity in Burma that his conditions of service have been adversely affected by the separation of Burma from India,

and it shall be the duty of the Commission to advise on any matter so referred to them and on any other matter which the Governor in his discretion may refer to them.

(3) Nothing in this section shall require the Public Service Commission to be consulted, in the case of the subordinate ranks of the various police forces in Burma, as respects any of the matters mentioned in paragraphs (*a*), (*b*) and (*c*) of subsection (2) of this section.

Power to extend functions of Public Service Commission.

121. Subject to the provisions of this section, an Act of the Legislature may provide for the exercise of additional functions by the Public Service Commission:

Provided that—

(*a*) no Bill or amendment for the purpose aforesaid shall be introduced or moved in either Chamber of the Legislature without the previous sanction of the Governor in his discretion; and

(*b*) it shall be a term of every such Act that the functions conferred by it shall not, except with the consent of the Secretary of State, be exercisable in relation to any person appointed to a service or a post by the Secretary of State or by the Secretary of State in Council, any officer in His Majesty's forces, or any holder of a reserved post.

Chaplains.

Provisions as to chaplains.

122. The Secretary of State may appoint chaplains to minister in Burma, and the foregoing provisions of this Part of this Act shall, with any necessary modifications, apply in relation to the chaplains in Burma appointed by him or by the Secretary of State in Council as they apply in relation to members of the civil services in Burma to which appointments are made by the Secretary of State.

PART IX. —*cont.*

General.

Eligibility for office under the Crown in Burma of persons who are not British subjects.

123. Subject to any express provision of this Act, no person who is not a British subject shall be eligible to hold any office under the Crown in Burma:

Provided that the Governor, exercising his individual judgment may—

(*a*) declare that a native of any specified area in Burma (not being part of British Burma) or of any specified Indian State or territory adjacent to India shall be eligible to hold any civil office in or in connection with the affairs of Burma, being an office specified in the declaration;

(*b*) authorise the temporary employment for any purpose of a person who is not a British subject.

Indemnity for past acts.

124.—(1). No proceedings civil or criminal shall be instituted in Burma against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of the Crown in India or Burma before the commencement of this Act, except with the consent of the Governor in his discretion.

(2) Any civil or criminal proceedings instituted in Burma, whether before or after the commencement of this Act, against any person in respect of any act done or purporting to be done in the execution of his duty as a servant of the Crown in India or Burma before the said date shall be dismissed unless the court is satisfied that the acts complained of were not done in good faith, and, where any such proceedings are dismissed, the costs incurred by the defendant shall, in so far as they are not recoverable from the persons instituting the proceedings, be charged on the revenues of Burma.

PART IX. —*cont.*

Protection of public servants against prosecutions and suits in Burma.

125.—(1) No Bill or amendment to abolish or restrict the protection afforded to certain servants of the Crown in Burma by section one hundred and ninety-seven of the Indian Code of Criminal Procedure, or by sections eighty to eighty-two of the Indian Code of Civil Procedure shall be introduced or moved in either Chamber of the Legislature without the previous sanction of the Governor in his discretion.

(2) The powers conferred upon the Local Government by the said section one hundred and ninety-seven with respect to the sanctioning of prosecutions and the determination of the court before which, the person by whom and the manner in which a public servant is to be tried, shall be exercisable only by the Governor exercising his individual judgment:

Provided that nothing in this subsection shall be construed as restricting the power of the Legislature to amend the said section by a Bill or amendment introduced or moved with such previous sanction as is mentioned in subsection (1) of this section.

(3) Where a civil suit is instituted against a public officer, within the meaning of that expression as used in the Indian Code of Civil Procedure, in respect of any act purporting to be done by him in his official capacity, the whole or any part of the costs incurred by him and of any damages or costs ordered to be paid by him shall, if the Governor, exercising his individual judgment, so directs, be defrayed out of and charged on the revenues of Burma.

Provisions as to payment of certain pensions, and exemption of those pensions from taxation in Burma.

126. Any pension payable to or in respect of a person who—

(*a*) before the commencement of this Act had served His Majesty in India, Burma or Aden, or elsewhere under the Governor-General in Council; or

(*b*) after the commencement of this Act—

(i) serves in Burma as an officer of His Majesty's forces; or

(ii) is appointed to a civil service of, or to an office or post under, the Crown in Burma by His Majesty or the Secretary of State; or

(iii) holds a reserved post;

shall, if the person to whom the pension is payable is residing permanently outside Burma, be paid on behalf of the Government of Burma by, or in accordance with arrangements made with, the Secretary of State and be exempt from all taxation imposed by or under any existing Indian or Burman law or any law of the Legislature.

Persons not to be disqualified by sex for holding certain offices in Burma.

127. A person shall not be disqualified by sex for being appointed to any civil service of, or civil post under, the Crown in Burma other than such a service or post as may be specified by any general or special order made by the Secretary of State in relation to appointments made by him, or by the Governor in relation to other appointments.

Transitional provisions.

128. Until other provision is made under the appropriate provisions of this Act, any rules made under the Government of India Act relating to the civil services of, or civil posts under, the Crown in India which were in force immediately before the commencement of this Act, shall, notwithstanding the repeal of that Act, continue in force in Burma so far as consistent with this Act and the Government of India Act, 1935, and shall be deemed to be rules made under the appropriate provisions of this Act.

Interpretation, &c.

129.—(1) In this Part of this Act—

the expressions "Central Service Class I," "Central Service Class II," "Railway Service Class I," "Railway Service Class II" and "Provincial Service" mean respectively the services which were, immediately before the passing of this Act, so described respectively in the classification rules then in force under section ninety-six B of the Government of India Act;

references to dismissal from His Majesty's service include references to removal from His Majesty's service.

(2) The inclusion in this Part of this Act of provisions expressly requiring the Governor to exercise his individual judgment with respect to any matter shall not be construed as derogating from his special responsibility for

Part IX. —*cont.*

the securing to, and to the dependants of, persons who are or have been members of the public services of any rights provided or preserved for them by or under this Act and the safeguarding of their legitimate interests.

PART X.

Property, Contracts, Liabilities and Suits.

Provisions as to existing Government property.

130.—(1) Lands and buildings in Burma which immediately before the commencement of this Act were vested in His Majesty for the purposes of the government of India shall, as from that date, vest in His Majesty for the purposes of the government of Burma.

(2) Any property which immediately before the commencement of this Act was vested in His Majesty for the purposes of the government of India and either was then situate in Burma or, by virtue of any delegation from the Secretary of State in Council or otherwise, was then in the possession or under the control of, or held on account of, the Local Government of Burma, shall, as from the commencement of this Act, vest in His Majesty for the purposes of the government of Burma:

Provided that this subsection does not apply in relation to any military equipment, stores, money, bank balances or other property held in connection with His Majesty's Indian forces stationed in Burma (not being forces raised in Burma).

(3) All credits and debits of the Local Government of Burma in account with the Governor-General of India in Council shall be deemed to be credits and debits of the government of Burma.

(4) Arrears of any taxes outstanding in Burma immediately before the commencement of this Act shall be deemed to be due to and may be recovered by the government of Burma.

(5) In this section " property " does not include any land or buildings, but includes moneys, securities, bank balances, and movable property of any description.

Power to acquire

131.—(1) The executive authority of Burma shall extend, subject to any Act of the Legislature, to the grant, sale, disposition or mortgage of any property vested in His Majesty for the purposes of the government of Burma and to the purchase or acquisition of property on behalf of His Majesty for those purposes, and to the making of contracts:

property and to make contracts, &c.

Provided that an official residence of the Governor shall not be sold or diverted to other use, except with the concurrence of the Governor in his discretion.

(2) All property acquired for the purposes of the government of Burma shall vest in His Majesty for those purposes.

(3) Subject to the provisions of this Act with respect to the Railway Board, all contracts made in the exercise of the executive authority of Burma shall be expressed to be made by the Governor, and all such contracts and all assurances of property made in the exercise of that authority shall be executed on behalf of the Governor by such persons and in such manner as he may direct or authorise.

(4) Neither the Governor nor the Secretary of State shall be personally liable in respect of any contract or assurance made or executed for the purposes of this Act, or for the purposes of the Government of India Act or of any Act repealed thereby, nor shall any person making or executing any such contract or assurance on behalf of either of them be personally liable in respect thereof.

Suits and proceedings.

132.—(1) The Government of Burma may sue and be sued by the name of the Government of Burma, and, without prejudice to the provisions of the next succeeding section, may, subject to any provisions which may be made by Act of the Legislature, sue or be sued in relation to their affairs in the like cases as the Secretary of State in Council might have sued or been sued if neither this Act nor the Government of India Act, 1935, had been passed.

(2) Rules of court may provide that, where the Government of Burma or the Railway Board sue or are sued in the United Kingdom, service of all proceedings may be effected upon such person in the United Kingdom as may be designated in the rules as the person on whom service of such proceedings is to be effected.

PART X. —*cont.*

Rights and liabilities of Secretary of State in Council.

133.—(1) Any contract made before the commencement of this Act by, or on behalf of, the Secretary of State in Council shall as from that date, if it was made solely in connection with the affairs of Burma, have effect as if it had been made on behalf of the Government of Burma, and references in any such contract to the Secretary of State in Council shall be construed accordingly.

(2) Any proceedings relating to contracts or liabilities solely in connection with the affairs of Burma which, if neither this Act nor the Government of India Act, 1935, had been passed, might have been brought against the Secretary of State in Council may, in the case of any liability arising before the commencement of this Act or arising under any contract or statute made or passed before that date, be brought against the Government of Burma, or, at the option of the person by whom the proceedings are brought, against the Secretary of State.

The provisions of this subsection shall apply with respect to proceedings arising under any contract declared by the terms thereof to be supplemental to any such contract as is mentioned therein as they apply in relation to the contracts so mentioned.

(3) If at the commencement of this Act any legal proceedings are pending in the United Kingdom or Burma to which the Secretary of State in Council is a party, the Secretary of State shall be deemed to be substituted in those proceedings for the Secretary of State in Council.

(4) Any contract made in respect of the affairs of Burma by or on behalf of the Secretary of State after the commencement of this Act may provide that any proceedings under that contract shall be brought in the United Kingdom by or against the Secretary of State, and any such proceedings may be brought accordingly.

(5) Any sum ordered to be paid by way of debt, damages or costs, and any costs or expenses incurred in, or in connection with, any proceedings mentioned in this section by the Secretary of State, the Secretary of State in Council or the Government of Burma shall be paid out of the revenues of Burma.

Part X.—*cont.*

(6) Nothing in this section shall be construed as imposing any liability upon the Exchequer of the United Kingdom in respect of any debt, damages, costs or expenses in or in connection with any proceedings brought or continued by or against the Secretary of State by virtue of this section, or as applying in relation to any liabilities which are by the Government of India Act, 1935, made liabilities of the revenues of the Federation.

PART XI.

MISCELLANEOUS PROVISIONS AS TO RELATIONS WITH INDIA.

Financial settlement as between India and Burma.

134. Whereas it may appear that the distribution of property and liabilities effected by this Act and the Government of India Act, 1935, as between India and Burma may result in an undue burden on the revenues of the Federation, His Majesty in Council may, if he thinks it just so to do, make provision for the payment to the revenues of the Federation out of the revenues of Burma, and for the charging on the revenues of Burma, of such periodical or other sums as may appear to him to be proper.

Provisions as to Customs duties on India–Burma Trade.

135. With a view to preventing undue disturbance of trade between India and Burma in the period immediately following the separation of India and Burma and with a view to safeguarding the economic interests of Burma during that period, His Majesty may by Order in Council give such directions as he thinks fit for those purposes with respect to the duties which are, while the Order is in force, to be levied on goods imported into or exported from India or Burma, and with respect to ancillary and related matters.

Relief in respect of tax on income taxable both in India and Burma.

136. His Majesty in Council may make provision for the grant of relief from any Burman tax on income in respect of income taxed or taxable by or under the law of the Federation of India.

Provisions as to monetary system.

137. His Majesty in Council may make such provision with respect to the monetary system of Burma and matters connected therewith or ancillary thereto as he thinks fit and in particular, but without prejudice to the generality of this section, such provision as may appear to him to be necessary or proper for the purpose of giving effect to any arrangements with respect to the said matters made before the commencement of this Act with the approval of the Secretary of State by the Governor of Burma in Council.

Provisions as to immigration from India.

138. His Majesty may by Order in Council direct that, during such period as may be specified in the Order, immigration into Burma from India shall be subject to such restrictions as may be specified in the Order (being such restrictions as may have been mutually agreed before the commencement of this Act between the Governor of Burma in Council and the Governor-General of India in Council and approved by the Secretary of State, or in default of agreement as may have been prescribed by the Secretary of State), and no other restrictions:

Provided that any such Order may be varied by a subsequent Order in Council in such manner as appears to His Majesty necessary to give effect to any agreement in that behalf made after the commencement of this Act by the Governor with the Governor-General of India or the Governor-General of India in Council.

PART XII.

Provisions in Event of Failure of Constitutional Machinery.

Power of Governor to issue Proclamations.

139.—(1) If at any time the Governor is satisfied that a situation has arisen in which the government of Burma cannot be carried on in accordance with the provisions of this Act, he may by Proclamation—

(*a*) declare that his functions shall, to such extent as may be specified in the Proclamation, be exercised by him in his discretion;

(*b*) assume to himself all or any of the powers vested in or exercisable by any body or authority in Burma;

and any such Proclamation may contain such incidental and consequential provisions as may appear to him to be necessary or desirable to give effect to the objects of the Proclamation, including provisions for suspending in whole or in part the operation of any provisions of this Act relating to any body or authority in Burma:

Provided that nothing in this subsection shall authorise the Governor to assume to himself any of the powers vested in or exercisable by the High Court, or to suspend, either in whole or in part, the operation of any provisions of this Act relating to the High Court.

(2) Any such Proclamation may be revoked or varied by a subsequent Proclamation.

(3) A Proclamation under this section—

(*a*) shall be communicated forthwith to the Secretary of State and shall be laid by him before each House of Parliament;

(*b*) unless it is a Proclamation revoking a previous Proclamation, shall cease to operate at the expiration of six months:

Provided that, if and so often as a resolution approving the continuance in force of such a Proclamation is passed by both Houses of Parliament, the Proclamation shall, unless revoked, continue in force for a further period of twelve months from the date on which under this subsection it would otherwise have ceased to operate, but no such Proclamation shall in any case remain in force for more than three years.

(4) If the Governor, by a Proclamation under this section, assumes to himself any power of the Legislature to make laws, any law made by him in the exercise of that power shall, subject to the terms thereof, continue to have effect until two years have elapsed from the date on which the Proclamation ceases to have effect, unless sooner repealed or re-enacted by Act of the Legislature, and any reference in this Act to Acts of the Legislature shall be construed as including a reference to such a law.

(5) The functions of the Governor under this section shall be exercised by him in his discretion.

PART XIII.

Provisions as to Secretary of State.

Advisers to Secretary of State.

140.—(1) There shall be not more than three persons, to be appointed from time to time by the Secretary of State, whose duty it shall be to advise the Secretary of

Part XIII. —*cont.*

State on any matter relating to Burma on which he may desire their advice.

(2) One at least of the persons for the time being holding office under this section as advisers of the Secretary of State shall be a person who has held office for at least ten years under the Crown in Burma and has not last ceased to perform in Burma official duties under the Crown more than two years before the date of his appointment as an adviser under this section.

(3) Any person appointed as an adviser to the Secretary of State shall hold office for a term of five years and shall not be eligible for reappointment:

Provided that—

(*a*) any person so appointed may by writing under his hand resign his office to the Secretary of State;

(*b*) the Secretary of State may, if he is satisfied that any person so appointed has by reason of infirmity of mind or body become unfit to continue to hold his office, by order remove him from his office.

(4) A person for the time being holding office as adviser to the Secretary of State shall not be capable of sitting or voting in either House of Parliament.

(5) There shall be paid out of moneys provided by Parliament to each of the advisers of the Secretary of State a salary of thirteen hundred and fifty pounds a year and also to any of them who at the date of his appointment was domiciled in Burma a subsistence allowance of six hundred pounds a year.

(6) Subject to the provisions of this Act relating to the functions of the Secretary of State with respect to the public services in Burma, it shall be in the discretion of the Secretary of State whether or not he consults with his advisers on any matter, and, if so, whether he consults with them collectively or with one or more of them individually, and whether or not he acts in accordance with any advice given to him by them.

(7) Any provision of this Act which requires that the Secretary of State shall obtain the concurrence of any body of advisers shall be deemed to be satisfied if at a meeting of those advisers he obtains the concurrence of at least one half of those present at the meeting, or if such notice and opportunity for objection as may be prescribed has been given to those advisers and none of them has required that a meeting shall be held for discussion on the matter.

In this subsection "prescribed" means prescribed by rules of business made by the Secretary of State after obtaining at a meeting of the advisers the concurrence of at least one-half of those present at the meeting.

Contributions from revenues of Burma to expenses of Secretary of State in certain circumstances.

141.—(1) There shall be charged on and paid out of the revenues of Burma into the Exchequer such periodical or other sums as may from time to time be agreed between the Governor and the Treasury in respect of so much of the expenses of the Department of the Secretary of State as is attributable to the performance on behalf of the Government of Burma of such functions as it may be agreed between the Secretary of State and the Governor that that department should so perform.

(2) Nothing in this Act shall be construed as imposing upon the revenues of Burma any liability in respect of the salary of the Secretary of State or, subject to the provisions of subsection (1) of this section, any liability in respect of the expenses of his department.

(3) Any expenses incurred with the consent of the Treasury by the Secretary of State for the purposes of this Act shall be defrayed out of moneys provided by Parliament.

PART XIV.

Miscellaneous.

Power of His Majesty to delimit boundaries of Burma.

142. His Majesty in Council may from time to time declare any territory to be within or without Burma.

Provision as to pardon.

143. Nothing in this Act shall derogate from the right of His Majesty to grant pardons, reprieves, respites or remissions of punishment.

Part XIV. —*cont.*

Persons not to be subjected to disability by reason of race, religion, &c.

144.—(1) No subject of His Majesty domiciled in Burma shall on grounds only of religion, place of birth, descent, colour or any of them be ineligible for office under the Crown in Burma, or be prohibited by any law of Burma on any such grounds from acquiring, holding or disposing of property or carrying on any occupation, trade, business or profession in Burma.

(2) Nothing in this section shall affect the operation of any law which—

(*a*) prohibits either absolutely or subject to exceptions, the sale or mortgage of agricultural land situate in any particular area, and owned by a person belonging to some class recognised by the law as being a class of persons engaged in or connected with agriculture in that area, to any person not belonging to any such class; or

(*b*) recognises the existence of some right, privilege or disability attaching to members of a community by virtue of some personal law or custom having the force of law.

(3) Nothing in this section shall be construed as derogating from the special responsibility of the Governor for the safeguarding of the legitimate interests of minorities.

Compulsory acquisition of land, &c.

145.—(1) No person shall be deprived of his property in Burma save by authority of law.

(2) The Legislature shall not have power to make any law authorising the compulsory acquisition for public purposes of any land, or any commercial or industrial undertaking, or any interest in, or in any company owning, any commercial or industrial undertaking, unless the law provides for the payment of compensation for the property acquired and either fixes the amount of the compensation, or specifies the principles on which, and the manner in which, it is to be determined.

(3) No Bill or amendment making provision for the transference to public ownership of any land or for the extinguishment or modification of rights therein, including rights or privileges in respect of land revenue, shall be introduced or moved in either Chamber of the

Legislature without the previous sanction of the Governor in his discretion.

PART XIV. —*cont.*

(4) Nothing in this section shall affect the provisions of any law in force at the date of the passing of this Act.

(5) In this section "land" includes immovable property of every kind and any rights in or over such property, and "undertaking" includes part of an undertaking.

Protection for certain rights, privileges and pensions.

146.—(1) The executive authority of Burma shall not be exercised, save on an order of the Governor in the exercise of his individual judgment, so as to derogate from any grant or confirmation of title of or to land, or of or to any right or privilege in respect to land or land revenue, being a grant or confirmation made for services rendered.

(2) No pension granted or customarily payable in Burma before the commencement of this Act by the Governor-General in Council or the Local Government of Burma on political considerations or compassionate grounds shall be discontinued or reduced, otherwise than in accordance with any grant or order regulating the payment thereof, save on an order of the Governor, exercising his individual judgment, and any sum required for the payment of any such pension shall be charged on the revenues of Burma.

(3) Nothing in this section affects any remedy for a breach of any condition on which a grant was made.

Courts of appeal in revenue matters.

147. No member of the Legislature shall be a member of any tribunal having jurisdiction to entertain appeals or revise decisions in revenue cases.

Existing law to continue in force.

148. Notwithstanding the repeal of the Government of India Act, but subject to the provisions of this Act, all the law in force in Burma immediately before the commencement of this Act shall continue in force in Burma until altered or repealed or amended by the Legislature or other competent authority.

Adaptation of existing laws.

149. His Majesty may by Order in Council to be made at any time after the passing of this Act provide that as from such date as may be specified in the Order

Part XIV. —*cont.*

any law in force in Burma shall, until repealed or amended by the Legislature or other competent authority, have effect subject to such adaptations and modifications as appear to His Majesty to be consequential on the separation of India and Burma.

In this section the expression "law" does not include an Act of Parliament, but includes any ordinance, order, byelaw, rule or regulation having in Burma the force of law.

High Commissioner for Burma.

150.—(1) If the Governor in his discretion thinks fit to direct that there shall be a High Commissioner for Burma in the United Kingdom, the Governor, exercising his individual judgment, may appoint a person to be High Commissioner and prescribe his salary and conditions of service.

(2) The High Commissioner shall perform on behalf of the Government of Burma and the Railway Board such functions in connection with the business of that Government and Board, and, in particular, such functions in relation to the making of contracts, as the Governor may from time to time direct.

(3) The provisions of Part IX of this Act (which relates to the services in Burma) shall apply in relation to appointments to and to persons serving on the staff of the High Commissioner for Burma as if the service of the members of his staff were service rendered in Burma.

Secretarial staff of Governor of Burma.

151.—(1) The Governor shall have his own secretarial staff to be appointed by him in his discretion.

(2) The salaries and allowances of persons so appointed and the office accommodation and other facilities to be provided for them shall be such as the Governor may in his discretion determine, and the said salaries and allowances and the expenses incurred in providing the said accommodation and facilities shall be charged on the revenues of Burma.

No proceedings to lie against Governor or Secretary of State.

152. No proceedings whatsoever shall lie in, and no process whatsoever shall issue from, any court in Burma against the Governor or against the Secretary of State, whether in a personal capacity or otherwise, and, except with the sanction of His Majesty in

Part XIV. —*cont.*

Council, no proceedings whatsoever shall lie in any court in Burma against any person who has been the Governor or the Secretary of State, in respect of anything done or omitted to be done by either of them during his term of office in performance or purported performance of the duties thereof:

Provided that nothing in this section shall be construed as restricting the right of any person to bring against the Government of Burma or the Secretary of State such proceedings as are mentioned in Part X of this Act.

Removal of certain disqualifications on the occasion of the first elections to Legislature.

153. For the purposes of the first elections of persons to serve as members of the Legislature, no person shall be subject to any disqualification by reason only of the fact that he holds—

(*a*) an office of profit as a non-official member of the Executive Council of the Governor of Burma or as a Minister in the Province of Burma;

(*b*) an office which is not a whole-time office remunerated either by salary or by fees.

Procedure as respects proposals for amendment of certain provisions of Act and Orders in Council.

154.—(1) If at any time after the expiration of ten years from the commencement of this Act the Legislature, on motions proposed in each Chamber by a minister on behalf of the council of ministers, pass a resolution recommending any such amendment of this Act or of an Order in Council made thereunder as is hereinafter mentioned, and on motions proposed in like manner present to the Governor an address for submission to His Majesty praying that His Majesty may be pleased to communicate the resolution to Parliament, the Secretary of State shall, within six months after the resolution is so communicated, cause to be laid before both Houses of Parliament a statement of any action which it may be proposed to take thereon.

The Governor when forwarding any such resolution and address to the Secretary of State shall transmit therewith a statement of his opinion as to the proposed amendment and, in particular, as to the effect which it would have on the interests of any minority, together with a report as to views of any minority likely to be

Part XIV. —*cont.*

affected by the proposed amendment and as to whether a majority of the representatives of that minority in the Legislature support the proposal, and the Secretary of State shall cause such statement and report to be laid before Parliament.

In performing his duties under this subsection, the Governor shall act in his discretion.

(2) The amendments referred to in the preceding subsection are—

(*a*) any amendment of the provisions relating to the composition of the Legislature or the method of choosing or the qualifications of the members thereof;

(*b*) any amendment of the provisions relating to the qualifications entitling persons to vote at elections.

(3) His Majesty in Council may at any time before or after the commencement of this Act, whether or not ten years have elapsed from the commencement of this Act, and whether or not any such address as is mentioned in this section has been submitted to His Majesty, make in the provisions of this Act any such amendment as is referred to in subsection (2) of this section:

Provided that, if no such address has been submitted to His Majesty, then, before the draft of any order which it is proposed to submit to His Majesty is laid before Parliament, the Secretary of State shall, unless it appears to him that the proposed amendment is of a minor or drafting nature, take such steps as His Majesty may direct for ascertaining the views of the Government and the Legislature and of any minority likely to be affected by the proposed amendment, and whether a majority of the representatives of that minority in the Legislature support the proposal.

Power of His Majesty to amend the Second Schedule.

155. His Majesty may, by Order in Council—

(*a*) direct that the whole or any specified part of any of the areas specified in Part I of the Second Schedule to this Act shall be deemed to be, or be part of, an area specified in Part II of that Schedule;

(*b*) direct that the whole or any specified part of an area specified in Part II of the said Schedule shall be deemed not to be, or not to be part of, an area specified in that Schedule;

Part XIV. —*cont.*

(*c*) alter, but only by way of rectification of boundaries, any of the areas specified in that Schedule;

(*d*) on any alteration of the boundaries of Burma or of His Majesty's territories therein, declare any territory not previously included in that Schedule to be, or to be part of, an area specified in Part I or in Part II of that Schedule;

and any such Order may contain such incidental and consequential provisions as appear to His Majesty to be necessary or proper.

Power of His Majesty in Council to remove difficulties as respects Burma.

156.—(1) Whereas difficulties may arise in relation to the transition in Burma from the provisions of the Government of India Act to the provisions of this Act:

And whereas the nature of those difficulties and of the provision which should be made for meeting them cannot at the date of the passing of this Act be fully foreseen:

Now therefore, for the purpose of facilitating the said transition, His Majesty may by Order in Council—

(*a*) direct that this Act and any provisions of the Government of India Act still in force shall in Burma, during such limited period as may be specified in the Order, have effect subject to such adaptations and modifications as may be so specified;

(*b*) make, with respect to a limited period so specified, such temporary provision as he thinks fit for ensuring that, while the said transition is being effected and during the period immediately following it, there are available to the Government of Burma sufficient revenues to enable its business to be carried on; and

(*c*) make such other temporary provisions for the purpose of removing any such difficulties as aforesaid as may be specified in the Order.

(2) No Order in Council shall be made under this section after the expiration of six months from the commencement of this Act.

PART XIV. —*cont.*

Orders in Council.

157.—(1) Any power conferred by this Act on His Majesty in Council shall be exercisable only by Order in Council, and subject as hereinafter provided, the Secretary of State shall lay before Parliament the draft of any Order which it is proposed to recommend His Majesty to make in Council under any provision of this Act, and no further proceedings shall be taken in relation thereto except in pursuance of an address presented to His Majesty by both Houses of Parliament praying that the Order may be made either in the form of the draft, or with such amendments as both Houses of Parliament may have agreed to recommend to His Majesty:

Provided that, if at any time when Parliament is dissolved or prorogued or when both Houses of Parliament are adjourned for more than fourteen days, the Secretary of State is of opinion that on account of urgency an Order in Council should be made under this Act forthwith, it shall not be necessary for a draft of the Order to be laid before Parliament, but the Order shall cease to have effect at the expiration of twenty-eight days from the date on which the Commons House first sits after the making of the Order unless within that period resolutions approving the making of the Order are passed by both Houses of Parliament.

(2) His Majesty in Council may by a subsequent Order, made in accordance with the provisions of the preceding subsection, revoke or vary any Order previously made by him in Council under this Act.

(3) Nothing in this section applies to any Order of His Majesty in Council made in connection with any appeal to His Majesty in Council, or to any Order of His Majesty in Council sanctioning the taking of proceedings against a person who has been the Governor or the Secretary of State.

Interpretation.

158.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

"Burma" includes (subject to the exercise by His Majesty of any powers vested in him with respect to the alteration of the boundaries thereof) all territories which were immediately before the commencement of this Act comprised in India, being territories lying to the east of Bengal, the State of Manipur, Assam, and any tribal areas connected with Assam;

Part XIV. —*cont.*

"British Burma" means so much of Burma as belongs to His Majesty;

"Secretary of State in Council" means Secretary of State in Council of India;

"borrow" includes the raising of money by the grant of annuities and "loan" shall be construed accordingly;

"debt" includes any liability in respect of any obligation to repay capital sums by way of annuities, and any liability under any guarantee, and "debt charges" shall be construed accordingly;

"existing Indian or Burman law" means any law, ordinance, order, byelaw, rule or regulation (as in force in Burma) passed or made before the commencement of this Act by any legislature, authority or person in any territories for the time being comprised in India, being a legislature, authority or person having power to make such a law;

"goods" includes all materials, commodities and articles;

"Governor-General in Council" means Governor-General of India in Executive Council;

"Local Government" means the local government of Burma within the meaning of the Government of India Act or any Act repealed by that Act in force at the relevant time;

"pension" in relation to persons in, or formerly in, the service of the Crown in India or Burma means a pension whether contributory or not, of any kind whatsoever payable to or in respect of any such person, and includes retired pay so payable, a gratuity so payable and any sum or sums so payable by way of the return, with or without interest thereon or any other addition thereto, of subscriptions to a provident fund;

Part XIV. —*cont.*

"public notification" means a notification in the official Gazette of Burma;

"railway" includes a tramway not wholly within a municipal area;

"securities" include stock;

"taxation" includes the imposition of any tax or impost whether general or local or special, and "tax" shall be construed accordingly.

(2) Any reference in this Act to Acts of the Legislature shall be construed as including a reference to an Ordinance made by the Governor or a Governor's Act.

(3) Any reference in this Act to Acts of Parliament shall be construed as including a reference to any Order in Council made under Part XII of the Government of India Act, 1935, for making in any such Act adaptations and modifications appearing to be necessary or expedient in consequence of the provisions of that Act and this Act, and any power of the Legislature to amend or repeal an Act of Parliament shall extend to the amendment or repeal of any such Order.

(4) References in this Act to the taking of an oath include references to the making of an affirmation.

(5) As respects the period elapsing between the commencement of Part III of the Government of India Act, 1935, and the establishment of the Federation of India, any reference in this Act to the Federation shall be construed as a reference to British India, the Governor-General in Council or the Governor-General as the context and the circumstances may require, and any reference to the Governor-General shall, if the circumstances so require, be construed as including a reference to the Governor-General in Council.

(6) While any such agreement as is mentioned in section forty-seven of the Government of India Act, 1935, is in force, any reference in this Act to subjects of His Majesty shall be deemed to include a reference to Berari subjects of His Exalted Highness the Nizam of Hyderabad.

Part XIV. —*cont.*

Commencement.

159. This Act shall, subject to any express provision to the contrary, come into force on such date as His Majesty in Council may appoint under the Government of India Act, 1935, as the date of the commencement of Part III of that Act:

Provided that if it appears to His Majesty in Council that it will not be practicable or convenient that all the provisions of this Act shall come into operation simultaneously on that date, His Majesty in Council may fix an earlier or a later date for the coming into operation, either generally or for particular purposes, of any particular provisions of this Act.

SCHEDULES.

FIRST SCHEDULE.

Section 3.

Provisions as to Governor of Burma.

1. There shall be paid to the Governor such annual salary, such allowances for his expenses in respect of equipment and travelling upon appointment and such allowances during his term of office as may from time to time be fixed by His Majesty in Council.

2. Such provision shall be made for enabling the Governor to discharge conveniently and with dignity the duties of his office as may be determined by His Majesty in Council.

3. While the Governor is absent on leave, he shall, in lieu of his salary, be entitled to such leave allowance as may be fixed by His Majesty in Council.

4. There shall be granted to and in respect of the Governor such customs privileges as may be specified by Order in Council.

5. Any person appointed by His Majesty to act as Governor during the absence of the Governor from Burma or during any period during which the Governor is for any reason unable to perform the duties of his office shall, during and in respect of, the period while he is acting as Governor, have all the powers and immunities, and be subject to all the duties, of the Governor, and shall be entitled to the same salary and, save as may be otherwise provided by His Majesty in Council, the same allowances and privileges, as the Governor, and, if he holds any

1st Sch. —*cont.* other office, shall not act therein or be entitled to the salary and allowances appertaining thereto while he is acting as Governor.

6. Any sums required to give effect to the provisions of this Schedule shall be paid out of, and charged on, the revenues of Burma.

Sections 7, 8, 29, 40, 59, 155.

SECOND SCHEDULE.

Areas in Burma to which Special Provisions apply.

Part I.

(1) The Federated Shan States as specified in Notification No. 31 dated 27th September, 1922, of the Political Department of the Government of Burma as amended by any subsequent notification made before the commencement of this Act.

(2) The Shan States specified in Notification No. 41 dated 5th October, 1922, of the Political Department of the Government of Burma, as amended by any subsequent notification made before the commencement of this Act, other than the Federated Shan States.

(3) The Arakan Hill Tracts.

(4) The Chin Hills District.

(5) The Kachin Hill Tracts of the Myitkyina, Bhamo and Katha Districts.

(6) The Somra Tract.

(7) The area known as the Triangle.

(8) The area known as the Hukawng Valley lying to the north of the Upper Chindwin District.

(9) The Salween District.

(10) All tribal territories which at the date of coming into operation of this Act are unadministered.

Part II.

(1) Such parts of the Myitkyina and Bhamo Districts as are not included in Part I of this Schedule.

(2) Such parts of the Upper Chindwin District as constitute the Homalin sub-division together with the village tracts which were included in the former Tamu township of the Mawlaik sub-division on the date preceding its abolition.

(3) The Kyain township, the Myawaddy Circle of the Kawkareik township, and so much of the Karen Hill tracts situate in the eastern half of the Toungoo District and in the Thaton District as may be prescribed by His Majesty in Council.

THIRD SCHEDULE.

Section 17.

Composition of the Burma Legislature.

General qualification for Membership.

1. A person shall not be qualified to be chosen to fill a seat in the Legislature unless he—

(*a*) is a British subject; and

(*b*) is, in the case of a seat in the House of Representatives, not less than twenty-five years of age, and in the case of a seat in the Senate, not less than thirty-five years of age; and

(*c*) possesses such, if any, of the other qualifications specified in, or prescribed under, this Schedule as may be appropriate in his case.

2. Upon the expiration of the term for which he is chosen to serve as a member of the Burma Legislature, a person, if otherwise duly qualified, shall be eligible to be chosen to serve for a further term.

The House of Representatives.

3. Of the seats in the House of Representatives—

(*a*) ninety-one seats shall be general non-communal seats;

(*b*) twelve seats shall be filled by representatives of Karens;

(*c*) eight seats shall be filled by representatives of Indians;

(*d*) two seats shall be filled by representatives of Anglo-Burmans;

(*e*) three seats shall be filled by representatives of Europeans;

(*f*) eleven seats shall be filled by representatives of Commerce and Industry;

(*g*) one seat shall be filled by a representative of Rangoon University;

3rd Sch. —*cont.*

(*h*) two seats shall be filled by representatives of Indian Labour;

(*i*) two seats shall be filled by representatives of non-Indian Labour.

References in this Schedule to representatives of Indians do not include references to representatives of Indian Labour.

4. So much of Burma as His Majesty may deem suitable for inclusion in any constituency, or in any constituency of a particular class, shall be divided into territorial constituencies—

(i) for the election of persons to fill general non-communal seats;

(ii) for the election of persons as representatives of Karens;

(iii) for the election of persons as representatives of Indians;

(iv) for the election of persons as representatives of Indian Labour;

(v) for the election of persons as representatives of non-Indian Labour,

and in the case of each class of constituency as aforesaid the total number of seats available shall be distributed between the constituencies by the assignment of one or more of those seats to each constituency.

5. In the case of the seats to be filled by representatives of Anglo-Burmans and the seats to be filled by representatives of Europeans, the whole of Burma shall be the constituency.

6. The provisions of the Fourth Schedule to this Act shall have effect with respect to the election of persons to hold the seats in the House of Representatives mentioned in the two last preceding paragraphs.

7. Persons shall be chosen in such manner as may be prescribed to hold the seats to be filled by representatives of Commerce and Industry and Rangoon University.

8. Of the seats to be filled by representatives of Commerce and Industry, one shall be filled by a representative of the Burmese Chamber of Commerce, two shall be filled by representatives of the Burma Indian Chamber of Commerce, one shall be filled by a representative of the Nattukottai Chettiars' Association, five shall be filled by representatives of the Burma Chamber of Commerce, one shall be filled by a representative of the Rangoon Trades Association and one shall be filled by a representative of the Chinese Chamber of Commerce.

9. A person shall not be qualified to be chosen to fill a seat in the House of Representatives unless—

(*a*) in the case of a seat to be filled by representatives of Commerce and Industry, of a representative of Rangoon

University or of representatives of Indian Labour or non-Indian Labour, he possesses such qualifications as may be prescribed;

(*b*) in the case of any other seat, he is entitled to vote at an election to fill some seat in the House of Representatives.

The Senate.

10. Of the thirty-six seats in the Senate, eighteen shall be filled by persons elected by the members of the House of Representatives in accordance with the system of proportional representation by means of the single transferable vote, and eighteen shall be filled by persons chosen by the Governor in his discretion.

11. In the event of a casual vacancy occurring in a seat held by an elected Senator who was a Karen, an Indian, an Anglo-Burman, or a European, no person shall be eligible to fill the vacancy who is not, as the case may be, a Karen, an Indian, an Anglo-Burman, or a European.

12.—(1) A person shall not be qualified to be chosen to hold a seat in the Senate unless he—

(i) was, in the financial year preceding that in which the election is held, assessed to income-tax in Burma on an income of twelve thousand rupees a year or over; or

(ii) paid, during and in respect of the year of assessment preceding that in which the election is held, land revenue of a thousand rupees or over in Lower Burma or five hundred rupees or over in Upper Burma; or

(iii) has previous official service in Burma as a member of the Governor's Executive Council under the Acts repealed by the Government of India Act, 1935, or as a minister, or as a judge of the High Court, or as a permanent Deputy Commissioner, or as a permanent district and sessions judge; or

(iv) has rendered other public service recognised by the conferment of a title equal to, or higher than, the Burman title of Taing kyo Pyi kyo Saung; or

(v) possesses such other qualifications in respect of the rendering of distinguished public service as the Governor in his discretion may prescribe.

(2) For the purposes of this paragraph:

(*a*) where a firm has been assessed to income tax in Burma in any year, every partner in that firm shall be deemed to have been assessed to that tax in that year to an amount, to be certified in the prescribed manner, equal

3rd Sch. —*cont.*

to his share in the firm's income on which the tax was so assessed;

(*b*) where water rate is levied in addition to land revenue, payment thereof shall be treated as payment of land revenue.

General.

13.—(1) In the foregoing provisions of this Schedule the following expressions have the meanings hereby assigned to them, that is to say:—

"a European" means a person whose father or any of whose other male progenitors in the male line is or was of European descent, and who is not a native of India or Burma;

"an Anglo-Burman" means a person whose father or any of whose other male progenitors in the male line is or was of European descent, but who is a native of India or Burma;

"a Karen" includes a Taungthu and means a person belonging to any race which the Governor exercising his individual judgment may, by notification in the Gazette, declare to be a Karen or Taungthu race for the purpose of this Schedule;

"an Indian" means a person of Indian descent in the male line, being a British subject and resident in Burma, who either was born in or has a domicile in India, or whose father or grandfather was so born, or had at the birth of the person in question or of the father of the person in question, as the case may be, such a domicile; and

"prescribed" means prescribed by His Majesty in Council or, so far as regards any matter which under this Act the Legislature or the Governor of Burma is competent to regulate, prescribed by an Act of the Legislature or by a rule made under the next but one succeeding paragraph.

(2) In determining any question as to whether a person was born in or had, at any past date, a domicile in India, regard shall be had to the boundaries of India at the date when the question falls to be determined and not at the date of the birth of that person or, as the case may be, the said past date.

(3) In this paragraph the expression "native of India or Burma" has the same meaning as the expression "native of India" had for the purposes of section six of the Government of India Act, 1870, and accordingly it includes any person born and domiciled within the dominions of His Majesty in India or Burma

of parents habitually resident in India or Burma and not established there for temporary purposes only.

3rd Sch. —*cont.*

14. In so far as provision with respect to the matters hereinafter mentioned is not made by this Act, His Majesty in Council may from time to time make provision with respect to those matters or any of them, that is to say :—

(*a*) the delimitation of the territorial constituencies;

(*b*) the qualifications entitling persons to vote at the elections and the preparation of electoral rolls;

(*c*) the conduct of the elections and the methods of voting thereat;

(*d*) the filling of casual vacancies in the House of Representatives and the Senate;

(*e*) the expenses of candidates at the elections;

(*f*) corrupt practices and other offences at or in connection with the elections;

(*g*) the decision of doubts and disputes arising out of or in connection with the elections;

(*h*) matters ancillary to any such matters as aforesaid.

15. In so far as provision with respect to any matter is not made by this Act or by His Majesty in Council or, after the constitution of the Burma Legislature, by Act of that Legislature (where the matter is one with respect to which that Legislature is competent to make laws), the Governor, exercising his individual judgment,, may make rules for carrying into effect the foregoing provisions of this Schedule and the provisions of the Fourth Schedule and securing the due constitution of the Legislature and in particular, but without prejudice to the generality of the foregoing words, with respect to—

(i) the notification of vacancies, including casual vacancies, and the proceedings to be taken for filling vacancies;

(ii) the nomination of candidates;

(iii) the conduct of elections, including the application to elections to the Senate of the principle of proportional representation by means of the single transferable vote;

(iv) the expenses of candidates at elections;

(v) corrupt practices and other offences at or in connection with elections;

(vi) the decision of doubts and disputes arising out of or in connection with elections; and

(vii) the manner in which the rules are to be carried into effect.

Schedule 3 (6).

FOURTH SCHEDULE.

Provisions as to Franchise in Burma.

General Constituencies.

1. There shall be an electoral roll for every general constituency and no person who is not, and, except as expressly provided by this Schedule, every person who is, for the time being included in the electoral roll for any such constituency shall be entitled to vote in that constituency.

In this Schedule "general constituency" means a constituency other than a constituency for the election of representatives of commerce and industry, the representative of Rangoon University or representatives of labour.

2. The electoral rolls for the general constituencies shall be made up, and from time to time in whole or in part revised, by reference to such date, in this Schedule referred to as "the prescribed date," as may be directed in each case by the Governor exercising his individual judgment.

3. No person shall be included in the electoral roll for any general constituency unless he has attained the age of eighteen years and is either a British subject or a subject of a prescribed Indian State, or, if it is so prescribed, a subject of any Indian State.

4. No person shall be included in the electoral roll for, or vote at any election in, any general constituency if he is of unsound mind and stands so declared by a competent court.

5. No person shall be included in the electoral roll for a Karen constituency, an Indian general constituency, the Anglo-Burman constituency or the European constituency unless he is a Karen, an Indian, an Anglo-Burman or a European, as the case may be.

6. No person who is included in the electoral roll for any Karen constituency, any Indian general constituency, the Anglo-Burman constituency or the European constituency shall be included in the electoral roll for a general non-communal constituency or vote at any election to fill a general non-communal seat.

7. No person shall at a general election vote in more than one general constituency and such provisions, if any, as may be prescribed shall have effect for the purpose of preventing persons being included in the electoral roll for more than one general constituency.

8. No person shall be included in the electoral roll for, or vote at any election in, a general constituency if he is for the time being disqualified from voting under the provisions of any

such Order in Council, Act of the Legislature or rules made by the Governor as may be made or passed under this Act with respect to corrupt practices and other offences in connection with elections, and the name of any person who becomes so disqualified shall forthwith be struck off all the electoral rolls for general constituencies in which it may be included.

4th Sch. —*cont.*

9. No person shall vote at any election in a general constituency if he is for the time being undergoing a sentence of transportation, penal servitude or imprisonment.

10. Subject to the provisions of paragraphs three to eight of this Schedule, a person shall be qualified to be included in the electoral roll for a general constituency if he is ordinarily resident in the constituency and either—

(*a*) was in the previous financial year assessed to income tax in Burma; or

(*b*) is a retired, pensioned or discharged officer, non-commissioned officer or soldier of His Majesty's regular military forces, or is a retired, pensioned, or discharged officer or man of any police force in Burma, not being a person dismissed or discharged for disciplinary reasons; or

(*c*) is a retired, pensioned or discharged officer, non-commissioned officer or soldier of the Auxiliary Force (India), the Indian Territorial Force, or any prescribed Burman auxiliary or territorial force, not being a person who has been dismissed or discharged from the force for disciplinary reasons or has served in the force for less than four years; or

(*d*) was in the previous agricultural year and any other two agricultural years entered in the capitation tax assessment roll as liable to pay capitation tax, or entered in the thathameda tax assessment roll as head of the household and liable to pay thathameda tax and was not exempted from payment of capitation tax or thathameda tax, as the case may be, on the ground of poverty or of being an immigrant from a country outside Burma; or

(*e*) has attained the age of sixty years and was at any time in his sixtieth year entered in the capitation tax assessment roll as liable to pay capitation tax and was not exempted from payment thereof on the ground of poverty or of being an immigrant from a country outside Burma; or

(*f*) paid, during and in respect of the previous agricultural year or the previous financial year and any other two agricultural or financial years, a tax levied under the Burma Rural Self-Government Act, 1921; or (*g*) paid in Burma, during and in respect of the previous agricultural year, and any other two agricultural years, land revenue of not less than five rupees per year.

11. Without prejudice to the provisions of the last preceding paragraph, but subject to the provisions of paragraphs three to eight of this Schedule, a person shall be qualified to be included in the electoral roll for an urban general constituency if he is ordinarily resident in the constituency and either—

(*a*) owns immovable property in the constituency of one hundred rupees or more in value; or

(*b*) paid municipal taxes or cantonment taxes in Burma in respect of the previous financial year and any other two financial years; or

(*c*) for not less than three months in the previous financial year, and for not less than three months in each of any other two financial years, occupied, in consideration of the payment of rent or the rendering of services, a building, a part of a building or a piece of land in the constituency, the monthly rental of which alone, or when added to the monthly rental value of any other building, part of a building or piece of land in the constituency which was throughout the three months in question owned or occupied by him, was not less than four rupees.

For the purposes of sub-paragraph (*c*) of this paragraph,—

(i) where a person lodges in a building or part of a building and makes payments in respect of his lodging or his board and lodging, he shall be deemed to occupy it at a rent, and the rental value thereof shall in relation to him be deemed to be the monthly charge made to him for his lodging or, as the case may be, one-fifth of the monthly charge made to him for his board and lodging;

(ii) where two or more persons (not being lodgers) jointly occupy a building or part of a building as a dwelling or for the purposes of their business or their respective businesses, the rental value of the building or part of a building shall, in relation to each of those persons, be deemed to be the rental value thereof divided by the number of those persons;

(iii) subject as aforesaid, where the assessment of municipal taxes is based on the rental value of the assessed property, the rental value of any property adopted for the purpose of any such assessment shall be treated as the rental value of that property.

12. The provisions of the last preceding paragraph shall apply in relation to any rural constituency which includes the municipality of Toungoo, the municipality of Kyaukpyu or the

4th Sch. —cont.

municipality of Thayetmyo as if that constituency were an urban constituency, except that for any reference to the constituency (other than that contained in the reference to the electoral roll for the constituency) there shall be substituted a reference to that one of the said municipalities which is included in the constituency.

13. Any requirement specified in paragraph ten or paragraph eleven of this Schedule as a requirement to be satisfied in relation to the previous financial year and any other two financial years, or in relation to the previous agricultural year and any other two agricultural years shall be deemed to be satisfied in the case of any person if that requirement is satisfied in his case in relation to the previous financial or, as the case may be, agricultural year, and either—

(*a*) he has previously been included in the electoral roll of a general constituency in Burma (either under this Act, or, before the commencement of this Act, under the Government of India Act); or

(*b*) he was assessed to income tax in Burma in any earlier financial year, or at any time in any earlier financial year owned immovable property of the value of not less than one hundred rupees in an urban constituency in Burma or in the municipality of Toungoo, the municipality of Kyaukpyu or the municipality of Thayetmyo; or

(*c*) he satisfied in relation to any two earlier agricultural years or in relation to two earlier financial years any of the requirements specified in the said paragraphs as requirements to be satisfied in relation to three agricultural years or three financial years, as the case may be.

In determining for the purpose of sub-paragraph (*c*) of this paragraph whether a person has fulfilled in relation to any year the requirement specified in sub-paragraph (*c*) of paragraph eleven of this Schedule, any reference in sub-paragraph (*c*) of the said paragraph eleven to the constituency shall be construed as a reference to any one of the following areas, that is to say, the urban constituencies in Burma and the municipalities of Toungoo, Kyaukpyu and Thayetmyo.

14. Subject to the provisions of paragraphs three to eight of this Schedule, but without prejudice to any of the other provisions of this Schedule, a woman who has attained the age of twenty-one years and is ordinarily resident in any general constituency shall be qualified to be included in the electoral roll therefor if it is shown in the prescribed manner that she has attained any of the following educational standards, that is to say, the Vernacular Standard IV, the Anglo-vernacular Standard IV or the English Standard IV, or is able to read and write a

4th Sch. —*cont.*

letter in some language or dialect to be selected by her, being a language or dialect in common use in some part of Burma or India.

15. The foregoing provisions of this Schedule shall have effect in relation to the European and Anglo-Burman constituencies as they have effect in relation to urban general constituencies:

Provided that any reference in sub-paragraph (*a*) or sub-paragraph (*c*) of paragraph eleven of this Schedule to the constituency shall, in relation to the European and the Anglo-Burman constituencies, be construed as a reference to the area comprised in all the urban constituencies in Burma and the municipalities of Toungoo, Kyaukpyu and Thayetmyo.

16. For the purposes of the foregoing provisions of this Schedule any property owned or occupied or payment made by, and any assessment made on, a person as a trustee, administrator, receiver or guardian or in any other fiduciary capacity shall be left out of account.

Labour Constituencies.

17. No Indian shall be entitled to vote at any election of representatives of non-Indian labour and no person who is not an Indian shall be entitled to vote at any election of representatives of Indian labour.

18. Subject as aforesaid, the qualifications entitling persons to vote at elections in labour constituencies shall be such as may be prescribed.

Interpretation, &c.

19.—(1) In this Schedule the following expressions have the meanings assigned to them, that is to say—

"a European," "an Anglo-Burman," "a Karen," "an Indian" and, except in the phrase "the prescribed date," "prescribed," have the same meanings as in the Third Schedule to this Act;

"previous financial year" and "previous agricultural year" mean respectively the financial year and the agricultural year immediately preceding that in which the prescribed date falls;

"urban constituencies" and "rural constituencies" mean such general constituencies as may be classified as urban or rural constituencies respectively by an Order in Council delimiting territorial constituencies;

"agricultural year" means a year ending on the thirtieth day of June;

"His Majesty's regular military forces" includes such military police forces, if any, as may be prescribed.

4th Sch.
—*cont.*

(2) Any reference in this Schedule to persons ordinarily resident in any area includes a reference to any person who maintains a dwelling in the area ready for occupation, in which he occasionally resides.

(3) Any reference in this Schedule to immovable property of a specified value shall be construed as including a reference to a share of that value in immovable property.

(4) Any reference in this Schedule to persons assessed to income tax in any financial year shall be deemed to include a reference to any partner in a firm assessed to income tax in that year if his share of the firm's income on which income tax was so assessed is certified in the prescribed manner to have been not less than the minimum on which the tax is leviable.

(5) For the purposes of this Schedule—

(*a*) a person shall be deemed to be the owner of property notwithstanding that he has mortgaged it, unless possession thereof has been taken by or on behalf of the mortgagee;

(*b*) a financial year shall not be deemed to be earlier than an agricultural year unless it ended before that agricultural year began.

(6) Any reference in this Schedule to any Act shall be construed as a reference to those provisions as amended by or under any other Act or, if those provisions are repealed and re-enacted, with or without modification, to the provisions so re-enacted.

(7) If the boundaries of any municipality mentioned in this Schedule are altered, any reference in this Schedule to that municipality shall thereafter be taken as a reference to the municipality as altered.

FIFTH SCHEDULE.

Sections 23, 81.

Forms of Oaths or Affirmations.

1.

"I, A.B., having been chosen a member of the Senate [*or* House of Representatives] of Burma, do solemnly swear [*or* affirm]

5TH SCH. —*cont.* that I will be faithful and bear true allegiance to His Majesty the King, His Heirs and Successors, and that I will faithfully discharge the duty upon which I am about to enter."

2.

"I, A.B., having been appointed Chief Justice [*or* a judge] of the High Court at Rangoon, do solemnly swear [*or* affirm] that I will be faithful and bear true allegiance to His Majesty the King, His Heirs and Successors, and that I will faithfully perform the duties of my office to the best of my ability, knowledge and judgment."

Section 70.

SIXTH SCHEDULE.

THE BURMA RAILWAY BOARD.

1. The Burma Railway Board shall be a body corporate by, and may sue, and be sued in, that name.

2. The Burma Chamber of Commerce, the Burma Indian Chamber of Commerce, the Burmese Chamber of Commerce, and the Chinese Chamber of Commerce shall each nominate one of the non-official members, and two non-official members shall be appointed by the Governor exercising his individual judgment.

The non-official members shall be appointed for five years and shall be eligible for re-appointment, but any non-official member may at any time be removed from office by the Governor exercising his individual judgment, if he is satisfied that the member is for any reason unable or unfit to continue to perform the duties of his office.

3. A person shall not be qualified to be appointed or to be a non-official member of the Board—

(*a*) unless he has had experience in commerce, industry, agriculture, finance, or administration; or

(*b*) if he is, or within the twelve months last preceding has been—

  (i) a member of the Legislature; or

  (ii) in the service of the Crown in Burma; or

  (iii) a railway official in Burma.

4 The Governor, exercising his individual judgment, may make rules providing for the appointment of temporary members to act in place of any members temporarily unable to perform the duties of their office.

5. The President and members of the Board shall be entitled to receive such salary and allowances as the Governor, exercising his individual judgment, may from time to time determine : 6th Sch. —*cont.*

Provided that the emoluments of a member shall not be reduced during his term of office.

6. If a member of the Board is or becomes the holder of or tenders for any contract for the supply of materials to, or the execution of works for, any railway in Burma, or is or becomes concerned in the management of any company holding or tendering for such a contract as aforesaid, he shall forthwith make full disclosure of the facts to the Board and shall not take part in the consideration or discussion of, or vote on, any question with respect to the contract.

7. All acts of the Board and all questions before it shall be done and decided by a majority of the members present and voting at a meeting of the Board.

In the case of an equality of votes at any meeting, the person presiding thereat shall have a second or casting vote.

8. Subject to the provisions of this Act, the Board may make standing orders for the regulation of their proceedings and business, and may vary or revoke any such order.

9. The proceedings of the Board shall not be invalidated by any vacancy among its number, or by any defect in the appointment or qualification of any member.

10. The Board shall not be liable to pay Burma income tax or supertax on any of its income, profits or gains.

* * *

CHAPTER 4.

An Act to continue certain expiring laws.

[20th December 1935.]

WHEREAS the Acts mentioned in the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire—

(*a*) as respects those mentioned in Part I of the said Schedule, on the thirty-first day of December, nineteen hundred and thirty-five, and (*b*) as respects that mentioned in Part II of the said Schedule, on the thirtieth day of June, nineteen hundred and thirty-six:

And whereas it is expedient to provide for the continuance, as in this Act mentioned, of those Acts and of the enactments amending or affecting the same:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Continuance of Acts in Schedule.

1.—(1) The Acts mentioned in Part I of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the thirty-first day of December, nineteen hundred and thirty-six.

(2) The Act mentioned in Part II of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the thirty-first day of December, nineteen hundred and thirty-seven.

(3) Any unrepealed enactments which are temporary in their duration, shall, if and in so far as they amend or affect the enactments continued by the preceding provisions of this Act, be continued in like manner, whether they are mentioned in the Schedule to this Act or not.

Short title and application to Northern Ireland.

2.—(1) This Act may be cited as the Expiring Laws Continuance Act, 1935.

(2) This Act shall apply to Northern Ireland in so far as it deals with any enactment relating to a subject with respect to which the Parliament of Northern Ireland has not power to make laws, but, save as hereinbefore provided, shall not apply to Northern Ireland.

SCHEDULE.

Part I.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Act.
(1) 4 Edw. 7. c. 24	The Wireless Telegraphy Act, 1904.	The whole Act -	6 Edw. 7. c. 13. 15 & 16 Geo. 5. c. 67. 16 & 17 Geo. 5. c. 54.
(2) 2 Geo. 5. c. 2.	The Coal Mines (Minimum Wage) Act, 1912.	The whole Act -	——
(3) 9 & 10 Geo. 5. c. 92.	The Aliens Restriction (Amendment) Act, 1919.	Section one -	——
(4) 9 & 10 Geo. 5. c. 97.	The Land Settlement (Scotland) Act, 1919.	Section two -	——
(5) 10 & 11 Geo. 5. c. 21.	The Harbours, Docks and Piers (Temporary Increase of Charges) Act, 1920.	The whole Act -	12 & 13 Geo. 5. c. 23.
(6) 10 & 11 Geo. 5. c. 57.	The Unemployment (Relief Works) Act, 1920.	The whole Act -	20 & 21 Geo. 5. c. 50.
(7) 10 & 11 Geo. 5. c. 65.	The Employment of Women, Young Persons and Children Act, 1920.	Section two -	——
(8) 12 & 13 Geo. 5. c. 27.	The Canals (Continuance of Charging Powers) Act, 1922.	The whole Act -	15 & 16 Geo. 5. c. 2.
(9) 16 & 17 Geo. 5. c. 28.	The Mining Industry Act, 1926.	Section eighteen	——

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Act.
(10) 20&21Geo.5. c. 50.	The Public Works Facilities Act, 1930.	The whole Act, except section one, the words in section three from " but any scheme " to the end of the section, and the Second Schedule.	—

PART II.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Act.
(11) 24&25Geo.5. c. 31.	The Debts Clearing Offices and Import Restrictions Act, 1934.	The whole Act	—

CHAPTER 5.

An Act to grant money for the purpose of certain local loans out of the Local Loans Fund, and for other purposes relating to local loans.

[20th December 1935.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Appointment of Public Works Loan

1. Whereas the term of office of persons who are, at the passing of this Act, Public Works Loan Commissioners under the Public Works Loans Act, 1875, will expire at the end of a period of five years from the first day of April, nineteen hundred and thirty-one, and it is expedient to appoint Commissioners for a further period of five years :—

Commissioners for five years. 38 & 39 Vict. c. 89.

Therefore the following persons (that is to say) :—

Albert Charles Gladstone, Esq.,
Reginald Abel Smith, Esq.,
Edward Henry Loyd, Esq.,
Robert Lydston Newman, Esq.,
The Right Honourable Lord Clwyd,
Alfred Mildmay, Esq.,
The Honourable Sir William Henry Goschen, K.B.E.,
Sir Charles Eric Hambro, K.B.E.,
Charles Robert Gilliat, Esq.,
Granville Edward Bromley Bromley-Martin, Esq.,
Edward Clifton Brown, Esq.,
William Baker Neville, Esq.,
Charles Latham, Esq., J.P.,
Harrison Barrow, Esq.,
William Turner Jackson, Esq.,
The Honourable Francis James Rennell Rodd,
Bertram Francis George Currie, Esq.,

shall after the passing of this Act be Public Works Loan Commissioners under the said Act and shall hold office until the expiration of five years from the first day of April, nineteen hundred and thirty-six.

Grants for public works.

2.—(1) There may be issued by the National Debt Commissioners for the purpose of local loans by the Public Works Loan Commissioners any sum or sums not exceeding in the whole the sum of twenty million pounds.

(2) The sums so issued shall be issued during a period ending on the day on which a further Act granting money for the purposes of those loans comes into operation, and in accordance with the provisions of the National Debt and Local Loans Act, 1887.

50 & 51 Vict. c. 16.

Certain debts not to be reckoned as assets of the Local Loans Fund.

3. Whereas it is expedient that the principal of the several local loans specified in the tables contained in Part I and Part II of the Schedule to this Act should, to the extent specified in the last column of those tables, not be reckoned as assets of the Local Loans Fund established under the National Debt and Local Loans Act, 1887 (hereafter referred to as "the Local Loans Fund"):

Now, therefore, the principal of the said loans to the extent aforesaid shall be written off from the assets of the Local Loans Fund, and the provisions of section fifteen of the said Act shall, so far as applicable, apply thereto.

Remission of arrears of principal and interest in respect of Eyemouth Harbour Loan.

4. Whereas in pursuance of an agreement made in the year eighteen hundred and ninety-two the sum of ten thousand pounds was advanced by the Public Works Loan Commissioners to the Eyemouth Harbour Trustees on the security of the harbour revenues with the collateral security of the Fishery Board for Scotland:

1 Edw. 7. c. 35.

And whereas by an arrangement confirmed by section three of the Public Works Loans Act, 1901, the liability of the Eyemouth Harbour Trustees in respect of the said Loan was extinguished without prejudice to the liability of the Fishery Board for Scotland to repay the said loan, and, in consequence thereof, the said collateral security is the sole security for the repayment of the said loan:

And whereas the terms of the said collateral security are embodied in a memorandum of agreement between the Secretary for Scotland and the Public Works Loan Commissioners, dated the eleventh day of March, eighteen hundred and ninety-two, whereby a portion of the surplus herring brand fees as defined in clause three of the said memorandum was pledged in security for the repayment of the said loan with interest by the instalments and at the times mentioned in the security given by the Eyemouth Harbour Trustees for the said loan, and it was provided that the said portion of the surplus herring brand fees of any one year should only be applicable to the repayment of the one-fiftieth part of principal and interest on outstanding principal falling due under the security for the said loan in the same year, and should not be applicable to the repayment of arrears of principal:

And whereas the said portion of the surplus herring brand fees so pledged as aforesaid was, during the year ending the thirty-first day of March, nineteen hundred and thirty-five, insufficient to discharge in full the instalment of principal with interest which fell due under the security for the said loan in that year, and the principal sum of two hundred pounds with interest amounting to fifty-three pounds seventeen shillings now remains unpaid and under the terms of the said memorandum of agreement is irrecoverable:

Now, therefore, the said principal sum of two hundred pounds shall be extinguished, and the said arrears of interest amounting to fifty-three pounds seventeen shillings shall be remitted.

Amendments as to Local Loans Fund.
60 & 61 Vict. c. 51.
7 & 8 Geo. 5. c. 32.
8 & 9 Geo. 5. c. 27.

5.—(1) So much of section one of the Public Works Loans Act, 1897, as prescribes a minimum rate of interest for loans made out of the Local Loans Fund shall cease to have effect, both for the purposes of the said section one and for the purposes of section four of the Public Works Loans Act, 1917, and section four of the Public Works Loans Act, 1918; and accordingly the words "not less than two and three-quarters per cent. per annum" in the said section one are hereby repealed.

(2) If it is shown by the income account of the Local Loans Fund for the financial year beginning on the first day of April, nineteen hundred and thirty-five, or any subsequent financial year, that the income exceeds the expenditure, the excess shall, instead of being carried to the separate account mentioned in subsection (3) of section four of the Public Works Loans Act, 1897, be credited to the capital account of the said Fund; and accordingly the said subsection (3) is hereby repealed.

(3) Any sums standing at the commencement of this Act to the credit of the said separate account, and any sums forming part of the excess for the financial year beginning on the first day of April, nineteen hundred and thirty-four, which have not been carried to the credit of the said account before the commencement of this Act, shall be credited to the capital account of the said Fund.

(4) Any securities standing at the commencement of this Act to the credit of the said separate account shall be carried to the capital account of the said Fund and shall be deemed to have been purchased in pursuance of the powers of investment conferred by subsection (2) of section thirteen of the National Debt and Local Loans Act, 1887 (which provides that sums credited to the said capital account shall be treated as a sinking fund).

(5) Any local loans stock purchased or deemed to have been purchased as aforesaid may be cancelled from time to time as the National Debt Commissioners think fit.

Relief in respect of interest on loans. 25 & 26 Geo. 5. c. 24.

6.—(1) If a reduction is made under section thirty-one of the Finance Act, 1935, in the rate of the interest payable on a loan made out of the Local Loans Fund, the proceeds whereof have been used for the purpose of making a further loan in pursuance of powers conferred by or under any enactment, the like reduction shall be made in the rate of the interest payable on that further loan.

(2) Where the rate of interest on a loan is reduced under the said section thirty-one or the last foregoing subsection—

(*a*) any mortgage deed relating to the loan shall have effect as if it provided for payment of interest at the reduced rate for the period in respect of which the reduction is made; and

(*b*) any such deed providing for the repayment of the principal of the loan with interest thereon by equal instalments shall have effect as if the amount of all the instalments due after the commencement of the said period were reduced by such equal sums as may be necessary to secure that effect is given to paragraph (*a*) of this subsection.

Short title.

7. This Act may be cited as the Public Works Loans Act, 1935.

Section 3.

SCHEDULE.

Part I.

Loan by the Public Works Loan Commissioners under the Harbours and Passing Tolls, &c., Act, 1861.

Name of Borrower.	Amount of Loan.	Amount to be written off.
Eyemouth Harbour Trustees.	£10,000	£200.

PART II.

LOANS BY THE PUBLIC WORKS LOAN COMMISSIONERS UNDER THE AGRICULTURAL CREDITS ACT, 1923.

Name of Borrower.	Amount of Loan.			Amount to be written off.		
	£	s.	d.	£	s.	d.
Mr. Reuben Brader	2,062	0	0	1,172	17	7
Mr. and Mrs. John Brown	2,385	0	0	216	0	3
Mr. Herbert Breedon Fryer	1,950	0	0	1,856	18	3
Mr. Walter James Gowlett	3,097	0	0	570	13	5
Mr. James Arthur Hatwell	2,400	0	0	234	19	5
Mr. Llewellyn Hopkins	540	0	0	231	6	8
Mr. Joseph Parker Jones	7,260	0	0	371	18	10
Mr. Alan Watterston King	4,968	0	0	676	1	8
Mr. Montagu Francis Martin	2,400	0	0	767	12	7
Mr. Richard Kittow Slade	7,500	0	0	1,937	1	8
Mr. William Webster	5,625	0	0	3,368	1	7

CHAPTER 6.

An Act to authorise the Treasury to guarantee securities issued in accordance with a certain agreement made on the thirtieth day of November, nineteen hundred and thirty-five, and to exempt the said agreement and certain other agreements from stamp duty.

[20th December 1935.]

WHEREAS the agreement set out in the Schedule to this Act was made on the thirtieth day of November, nineteen hundred and thirty-five, between the Treasury, the Great Western Railway Company, the London Midland and Scottish Railway Company, the

London and North Eastern Railway Company and the Southern Railway Company :

And whereas, with a view to enabling effect to be given to the said agreement, it is expedient to authorise the Treasury to guarantee the payment of the principal of and interest on securities to be issued by the company to be formed in pursuance of clause 3 of the said agreement and to provide that stamp duty shall not be payable upon the agreements hereinafter mentioned :

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Power of Treasury to guarantee securities.

1.—(1) The Treasury may guarantee in such manner and on such conditions as they think fit the payment of the principal of and the interest on securities issued as aforesaid :

Provided that the amount of the principal of the securities to be so guaranteed shall not in the aggregate exceed an amount sufficient to raise twenty-six million, five hundred thousand pounds.

(2) Any sums required by the Treasury for fulfilling any guarantee given under this Act shall be charged on and issued out of the Consolidated Fund of the United Kingdom or the growing produce thereof, and any sums received by way of repayment of any sums so issued shall be paid into the Exchequer.

(3) As soon as may be after any guarantee is given under this Act, the Treasury shall lay a statement of the guarantee before both Houses of Parliament.

(4) If any sum is issued under this Act out of the Consolidated Fund or the growing produce thereof, the Treasury shall, as soon as may be after the end of the financial year in which the first sum is so issued, lay before both Houses of Parliament an account of all sums at any time so issued and of all sums at any time received by way of repayment of any sums so issued, and a similar account shall be laid in like manner in every subsequent year unless it is shown by the account laid in the preceding year that all sums so issued have been repaid.

(5) If the said agreement is amended by any further agreement or by a certificate of the Minister of Transport, the Treasury shall, as soon as may be, lay a copy of the further agreement or certificate before both Houses of Parliament.

2. Stamp duty shall not be chargeable and shall be deemed not to have been chargeable on the agreement set out in the Schedule to this Act or any other agreement mentioned in paragraph (*b*) of clause 2 thereof.

Exemption of agreements from stamp duty.

3. This Act may be cited as the Railways (Agreement) Act, 1935.

Short title.

SCHEDULE.

AN AGREEMENT made this thirtieth day of November 1935 Between THE COMMISSIONERS OF HIS MAJESTY'S TREASURY (hereinafter called "the Treasury") of the first part and THE GREAT WESTERN RAILWAY COMPANY of the second part the LONDON MIDLAND AND SCOTTISH RAILWAY COMPANY of the third part THE LONDON AND NORTH EASTERN RAILWAY COMPANY of the fourth part and the SOUTHERN RAILWAY COMPANY of the fifth part (all of which railway companies are collectively hereinafter referred to as "the Railway Companies").

Whereas His Majesty's Government are desirous that the facilities for transport of passengers and merchandise provided by the Railway Companies may be increased by the electrification of lines the provision of new equipment and improvement of railway works as set out in relation to each of the Railway Companies in the First Schedule hereto and that the works therein specified should be commenced as speedily as possible with a view to the early provision of the new and improved public services and facilities which it is intended shall result therefrom :

And whereas the total cost of the execution of the said works is estimated at £29,500,000 and the Railway Companies are unable to undertake at the present time the whole of the work involved without the financial assistance from His Majesty's Government provided for in this Agreement :

And whereas having regard to the public advantages to accrue from the early execution of the said works His Majesty's Government are willing subject to the sanction of Parliament to assist the Railway Companies in raising moneys for that purpose by giving such guarantee as is hereinafter provided.

Now therefore it is agreed as follows :—

1. Each of the Railway Companies shall as soon as practicable in the next available Session apply to Parliament for and use its best endeavours to obtain (in so far as it does not already possess such powers) the statutory powers hereinafter referred to and all such other statutory powers (if any) as may be necessary to enable this Agreement to be carried into effect and subject to the necessary statutory powers being obtained shall execute the works to be undertaken by it in accordance with the First Schedule hereto as speedily as may be and shall complete such works not later than the 1st day of January 1941 or within such further period as the Minister of Transport may allow. Provided that if any one of the Railway Companies shall hereafter satisfy the Minister of Transport that it is desirable that any of the works comprised in the First Schedule hereto which it is intended it shall carry out should be varied or that additional work should be added thereto the said Schedule shall be deemed to be amended to the extent to which the Minister shall certify that he is so satisfied and shall have effect accordingly.

2. In consideration of the premises and of the further provisions of this Agreement the Treasury will in the next Session cause to be submitted to Parliament a Bill—

(*a*) conferring on the Treasury such statutory powers as may be necessary to enable the Treasury to guarantee the payment of the principal of a loan not exceeding £26,500,000 to be raised by the Finance Company to be formed in accordance with Clause 3 of this Agreement and interest thereon; and

(*b*) providing that stamp duty shall not be payable upon this Agreement or upon any Agreement in variation of this Agreement or upon any Agreements which shall be made by the Railway Companies or any of them with the said Finance Company providing for or securing the repayment of the advances to be made by the said Finance Company to the Railway Companies respectively or otherwise for giving effect to the provisions of this Agreement.

3. As soon as the powers contemplated by the preceding clause have been obtained from Parliament the Treasury will cause a company (in this Agreement referred to as "the Finance Company") to be formed with a nominal share capital for the

purpose of raising and lending to the Railway Companies a sum or sums not exceeding in the aggregate £26,500,000 as aforesaid.

The said sum or sums shall be raised at such time or times as the Treasury may determine by the issue of securities of the Finance Company guaranteed as to principal and interest by the Treasury in accordance with the terms of an agreement to be entered into between the Treasury and the Finance Company. The said securities shall mature for repayment at par on such date as may be fixed by the Treasury not being less than fifteen or more than twenty-five years from the date of issue thereof and shall be issued at such price and carry interest at such rate as may be approved by the Treasury and the Railway Companies and shall otherwise be issued upon such terms as the Finance Company and the Treasury may agree after consultation with the Railway Companies and such terms may include an option to the Finance Company to redeem the whole or any part of the securities at a date prior to the date fixed by the Treasury as aforesaid (upon notice to the holders of such securities) at any time after the expiration of such period from the date of such issue as the said terms may provide.

4. To the extent to which and as soon as they have obtained or obtain the necessary powers herein provided for the respective Railway Companies shall borrow from the Finance Company such sums not exceeding in the aggregate £26,500,000 as shall be raised by the Finance Company under the foregoing provisions of this Agreement for the purposes of :—

(*a*) the payment of the cost of such of the works comprised in the First Schedule hereto as they respectively may be authorised to carry out and of such further works as they may undertake with the approval for this purpose of the Minister of Transport;

(*b*) the payment of the costs and expenses for which they respectively are liable under Clause 10 hereof so far as properly chargeable to capital;

(*c*) the payment of interest on moneys borrowed which they may be authorised to pay out of or charge to capital or to pay or provide out of advances; and

(*d*) the payment of any sums for which they respectively are liable under the provisions of Clauses 8 and 9 hereof.

The said sums shall be borrowed by the respective Railway Companies in the proportions set out opposite their respective names in the Second Schedule hereto which proportions may be varied by agreement between the Railway Companies with the approval of the Treasury the said proportions with such variations as aforesaid (if any) being hereinafter referred to as the "agreed proportions."

5. Each of the Railway Companies shall pay interest on the moneys borrowed by it from the Finance Company at the effective rate at which those moneys are raised by the Finance Company under Clause 3 hereof taking into account any premium or discount at which the securities in respect thereof were issued. The first payment of interest shall be calculated from the date when the money is borrowed to the next half-yearly date for payment of interest by the Finance Company on the said securities and shall be payable three days in advance of such half-yearly date. Thereafter interest shall be payable by half-yearly instalments calculated up to the half-yearly dates for payment of interest by the Finance Company on the said securities but payable three days in advance thereof.

6. In the case of default in payment of any interest under the last preceding clause the Finance Company may with the consent of the Treasury give notice thereof to the Railway Company so defaulting and if such interest is not paid within seven days after receipt of such notice the whole of the moneys borrowed by that Railway Company and then outstanding shall become immediately due and payable.

7. So much of the sums raised under Clause 3 hereof as shall not for the time being be lent to the Railway Companies shall be invested by the Finance Company to such an extent and in such manner as the Finance Company (after consultation with the Treasury) may think fit.

8. The Railway Companies shall pay to the Finance Company such sums as together with the interest payable under Clause 5 hereof on the moneys borrowed by them and any income from the investment of the unborrowed moneys under Clause 7 hereof (including any realised profits from investments) will provide the amount required to discharge the interest payable by the Finance Company in respect of the sums raised under Clause 3 of this Agreement. Provided that in computing the sums payable by the Railway Companies under this clause no account shall be taken of any part of the sums so raised as aforesaid (or of any of the income from investment as aforesaid which the Treasury determine to be fairly attributable to the investment of such part) if such part cannot be borrowed under this Agreement by reason of the refusal of Parliament to grant the borrowing powers in respect thereof in this Agreement provided for.

The sums payable under this clause shall be paid in the agreed proportions and shall be due three clear days before the interest payable by the Finance Company on its securities becomes due. The Finance Company shall be at liberty to deduct any sum payable under this clause from the unborrowed proceeds of its securities and may as soon as the requisite borrowing powers have been obtained by the Railway Company by whom it is payable either recover the sum from that Railway Company or treat such sum as money borrowed by that Railway Company.

9. Any losses on capital account which may be made by the Finance Company in the investment of the unborrowed proceeds of its securities (except such losses as the Treasury may determine to be fairly attributable to the investment of moneys in respect of which Parliament has refused to grant borrowing powers) shall be treated as moneys borrowed by the Railway Companies under this Agreement to be apportioned between them in the agreed proportions.

10. The Railway Companies agree to defray the costs and expenses of and incidental to the formation administration and winding-up of the Finance Company and to the creation issue underwriting (if any) and management of its securities. Such costs and expenses shall be apportioned between the Railway Companies in the agreed proportions. The Railway Companies shall respectively receive credit for any stamp duties paid by them on any securities issued by the Finance Company in respect of any moneys which any of them may be unable to borrow by reason of the refusal of Parliament to grant borrowing powers to that Company in respect thereof.

11. Each of the Railway Companies shall deposit in an account to be opened at the Bank of England in the joint names of the Railway Company so making the deposit and the Finance Company all moneys borrowed by it and then outstanding one calendar month before the date of final maturity of the securities issued by the Finance Company out of the proceeds of which such moneys were advanced. Provided that if the Finance Company has an option to redeem its securities in whole or in part at any prior date any of the Railway Companies may request the Finance Company to exercise its option to such extent as such Railway Company may require and in that event such Company will one calendar month before the date fixed by the Finance Company for such redemption deposit in manner aforesaid such part of the moneys borrowed by such Railway Company as will enable the Finance Company to redeem the securities in respect of which the option has been exercised.

The moneys so deposited shall be released by the Railway Company to the Finance Company on the day prior to the date fixed for the redemption of such securities but the Railway Company shall pay to the Finance Company interest on the money so deposited at the rate provided for in Clause 5 hereof up to the date so fixed. Any interest earned by the moneys in the deposit account shall be for the account of the Railway Company. If the sums raised by the Finance Company were raised by the issue of its securities at a discount the amount of such discount shall for the purposes of this clause and of Clauses 6 and 13 hereof be added to and be deemed to form part of the moneys borrowed by the Railway Company.

12. Each of the Railway Companies will in the next Session of Parliament promote a Bill and will use its best endeavours to procure it to be passed into law providing (inter alia) :—

(*a*) for the creation by virtue of the Act itself of such an amount of 4 per cent. Debenture Stock of the Railway Company as at its nominal or par value shall be equivalent to the total amount which the Railway Company shall borrow from the Finance Company under this Agreement;

(*b*) for the issue by the Railway Company to the Finance Company from time to time of such Debenture Stock as collateral security for such moneys as shall be borrowed by the Railway Company as aforesaid and for such Debenture Stock to be issued at such time or times and in such amount or amounts as the Finance Company with the approval of the Treasury first obtained may direct but providing also that the Railway Company shall not be required to issue to the Finance Company in the aggregate a greater amount of the said Debenture Stock than at its nominal or par value is equivalent to the moneys so borrowed by the Railway Company as aforesaid and for the time being outstanding nor to issue any of the said Stock to the Finance Company unless that Company first obtain the approval of the Treasury;

(*c*) for power for the Railway Company to borrow to the extent in the manner and for the purposes set out in this Agreement;

(*d*) for the redemption by the Railway Company of any of the said Debenture Stock so charged as collateral security as aforesaid upon payment under the terms of this Agreement of the whole of the moneys it may borrow as aforesaid and upon such redemption or upon the release of any of the said Debenture Stock from the said charge pursuant to Clause 14 hereof for right and power to the Directors of the Railway Company to cancel the stock so redeemed or released and to create and issue stock in the capital of the Company equal in value to the Debenture Stock so redeemed or released either as a redeemable or irredeemable stock of any description and carrying such rate or varying rates of interest as they may think fit;

(*e*) if and so far as such powers may be necessary or expedient for power to the Railway Company to carry out the works to be undertaken by it in accordance with the First Schedule hereto and to acquire compulsorily or by agreement such lands and properties easements or other interests in lands as may be necessary for the purpose;

(*f*) for power to the Railway Company to treat all sums payable under Clause 8 of this Agreement as if they were interest on advances made under this Agreement;

(*g*) that the Railway Company shall not be charged with or be liable to loan capital duty on the Debenture Stock to be created by them as aforesaid or with any duty in respect of the issue thereof as collateral security until upon such Debenture Stock being released from the said charge the Railway Company shall issue or re-issue such Stock.

Any such Bill may if any of the Railway Companies so desire contain a provision conferring power on the Railway Company to charge to capital during construction interest on so much of the moneys borrowed under this Agreement as is expended on works the cost whereof is properly chargeable to capital account.

13. As collateral security for the repayment of the sums borrowed from the Finance Company each of the Railway Companies shall charge in favour of the Finance Company the 4 per cent. Debenture Stock to be created under the Bills to be promoted by them respectively under Clause 12 hereof. Such charge shall be in the usual form to be approved by the Treasury and shall provide for the issue at the request of the Finance Company made with the consent of the Treasury of the said Stock to the Finance Company or its nominee as the request may direct and for the usual power of sale of such Stock.

14. As the cost of the works to be provided for out of the moneys borrowed under this Agreement by each of them the London Midland and Scottish Railway Company and the London and North Eastern Railway Company includes the cost of anticipating the replacement of certain wasting equipment each of them the London Midland and Scottish Railway Company and the London and North Eastern Railway Company will provide the amounts of £1,250,000 and £896,580 respectively by annual instalments over a period not exceeding 15 years from the date of the first issue of securities by the Finance Company. The annual sums so provided shall be invested from time to time in the securities of the Finance Company if purchased at or below par or in such other securities as may be approved by the Treasury. Such securities shall be charged in favour of the Finance Company as collateral security for the sum borrowed by the respective Railway Company under this Agreement and for the time being outstanding and upon such charge being given the 4 per cent.

Debenture Stock of the Railway Company of a nominal amount equal to the actual sum invested in the securities so charged shall be released from the charge to be given under Clause 13 of this Agreement.

15.—(*a*) If any of the Railway Companies are refused by Parliament any of the powers referred to in Clause 12 hereof (other than those in paragraph (*d*) thereof) in respect of any part of the works to be undertaken by it in accordance with the First Schedule hereto or any money to be borrowed in respect thereof such Company shall at its option be relieved of its obligations under this Agreement as regards that part of the works in respect of which such powers have been refused.

(*b*) If the London and North Eastern Railway Company are refused by Parliament any such powers as aforesaid in respect of the work numbered 1 (Electrification of the line from Manchester to Sheffield including provision of rolling stock and other equipment) specified in Part III of the First Schedule hereto or any money to be borrowed in respect thereof the London and North Eastern Railway Company shall not only be relieved of its obligations under this Agreement as regards the said work but also shall at its option be relieved of its obligations under this Agreement with regard to all or any of the other works specified in Part III of the said Schedule.

16. In the execution of the works comprised in the First Schedule hereto the following conditions shall be observed by the Railway Companies :—

(*a*) all plant machinery and materials required in connection with the said works shall so far as practicable be of United Kingdom origin and all manufactured articles shall (unless the Treasury shall otherwise agree in writing) be wholly manufactured in the United Kingdom (preference being given other things being equal to firms in the Special Areas as defined in the First Schedule to the Special Areas (Development and Improvement) Act 1934) and all contracts relating to the said works shall require the contractors to certify on their own behalf and on behalf of their sub-contractors that such stipulations shall be carried out and the Railway Companies shall take all reasonable steps to ensure that such stipulations are observed by their contractors and shall report to the Treasury any modification of or failure to give such Certificate;

(*b*) in all contracts connected with the carrying out of the said works a clause shall be inserted requiring all contractors and sub-contractors employed on any such works to pay rates of wages and to observe hours of labour not less favourable than those commonly recognised by employers and trade societies (or in the absence of such recognised wages and hours those which in practice prevail among good employers) in the trade in the district where the work is carried out. Where there are no such wages and hours recognised or prevailing in the district those recognised or prevailing in the nearest district in which the general industrial circumstances are similar shall be adopted. Further the conditions of employment generally accepted in the district in the trade concerned shall be taken into account in considering how far the terms of this clause are being observed. The Railway Companies shall take all reasonable steps to secure the observance of the terms of this clause by all contractors and sub-contractors and for the exhibition of notices at the works of all contractors and sub-contractors regarding fair wages for the information of workpeople and for the inspection of wages books in order to see that the terms of this clause have been properly adhered to;

(*c*) if any of the work is carried out by any of the Railway Companies by direct labour the wages and other conditions of employment of such labour shall be those in force in the Company's service on similar work;

(*d*) all additional labour required for carrying out the works shall be selected from suitable workpeople submitted by the Employment Exchanges. Provided always that whenever the Employment Exchanges are unable to submit suitable workpeople within a reasonable period the Railway Company may make other arrangements for the engagement of such workpeople. Provided also that the Railway Companies shall be entitled to engage direct for the purpose of these works any specially qualified workpeople usually employed by them to do work of a specialised character;

(*e*) if work is carried out by contractors they shall be required to enter into contracts embodying provisions in terms similar mutatis mutandis to the last preceding paragraph of this clause.

17. Each of the Railway Companies shall give and so far as lies in its power procure to be given to the Treasury all such information as the Treasury may reasonably require with regard to the progress of the said works undertaken by it and the purchase of plant machinery and materials therefor the amount actually expended thereon the number of workmen of different trades or grades employed in connection therewith and generally all such other information as the Treasury may reasonably require and as the Company may be in a position to give or obtain.

18. Each of the Railway Companies shall as soon as may be enter into such agreement with the Finance Company as may be necessary to ensure that they are under such obligations to the Finance Company as are specified in the foregoing provisions of this Agreement.

In Witness whereof The Right Honourable Neville Chamberlain and Archibald Richard James Southby, Commander, R.N., two of the Commissioners of His Majesty's Treasury have hereunto set their hands and seals and the Common Seals of the Companies parties hereto respectively of the second third fourth and fifth parts have been hereunto affixed the day and year first before written.

THE FIRST SCHEDULE.

Part I.

Work to be undertaken by the Great Western Railway Company.

1. Construction of a new line from near St. Germans to Looe, including provision of diesel cars for the local services and other development works in connection with the line.

2. Construction of a new deviation line from Dawlish Warren to Newton Abbot.

3. Doublings of certain sections of line, lengthening of platforms and crossing places and provision of new loops on the Barnstaple, Minehead, Newquay and Porthcawl Branch lines.

4. Reconstruction and enlargement of important stations, including Banbury, Exeter, Llanelly, Oxford, Paignton, Penzance, Plymouth (North Road) and Weymouth, and minor improvements including the provision of loop lines at a number of other stations throughout the system.

5. Enlargement of marshalling yards, goods depots and carriage sheds at Brentford, Cannock Road, Hockley, Old Oak Common and Severn Tunnel Junction and minor improvements at other places throughout the system.

6. Adaptation of certain lines for use by heavier engines.

7. Alterations of passenger rolling stock.

8. Extension of automatic train control and track circuiting and provision of improved signalling, telegraph and telephone arrangements

Part II.

Work to be undertaken by the London Midland and Scottish Railway Company.

1. Electrification of portions of the Company's railway in the Wirral Peninsula and the establishment of through passenger train working over that railway and the Mersey Railway between Liverpool and New Brighton and Liverpool and West Kirby (including the provision of rolling stock and other equipment).

2. Conversion of Stonebridge Park (Wembley) Power Station to 50 cycles frequency and alterations of sub-stations and other works and equipment.

3. Construction of 369 new steam locomotives.

4. Construction of 270 new carriages.

5. Reconstruction and replanning of the Euston terminus.

6. Installation of colour light signalling between Euston and Willesden Junction and at Birmingham, Crewe, Preston, Rugby, Stafford, Warrington and Wigan, provision of intermediate block sections at three points between Crewe and Euston, extension of track circuiting and other signalling works.

7. Improvement of accommodation at various passenger and goods stations.

Part III.

Work to be undertaken by the London and North Eastern Railway Company.

1. Electrification of the line from Manchester to Sheffield (including provision of rolling stock and other equipment).

2. Improvements to the following lines :—

Colchester to Clacton (including doubling between Thorpe-le-Soken and Clacton);

Felixstowe Branch (including doubling between Westerfield and Felixstowe Town);

Shenfield Junction to Southend;

Ely to Newmarket.

3. Provision of running loops at ten places between Grantham and Doncaster (with colour light signalling between Grantham and Barkston) and four places between Edinburgh and Berwick (with colour light signalling between Prestonpans and Berwick).

4. Provision of additional carriage and storage sidings at Edinburgh, Craigendoran and Cowlairs and additional facilities at Bathgate Junction and Broxburn.

5. Station improvements, including colour light signalling at Doncaster and York and structural improvements at King's Cross.

6. Construction of 43 new steam locomotives.

7. Construction of additional passenger carriages and conversion of gaslit rolling stock to electric lighting.

8. Colour light signalling between York and Darlington and at Newcastle-on-Tyne, Edinburgh (East) and Cowlairs.

9. Extension of safety precautions (track circuiting and automatic train control).

10. Additional accommodation for the fish trade at Hull and Grimsby Docks.

Part IV.

Work to be undertaken by the Southern Railway Company.

1. Electrification of the following lines (including provision of rolling stock and other equipment) :—

(*a*) Hampton Court Junction to Portsmouth, via Woking and Guildford.

(*b*) Woking to Farnham.

(*c*) Weybridge to Staines.

(*d*) Dorking to Arundel Junction and West Worthing to Havant, including the branches to Littlehampton and Bognor.

(*e*) Sevenoaks to Hastings, via Tunbridge Wells.

(*f*) Gravesend and Swanley Junction to Chatham and Gillingham.

(*g*) Strood to Maidstone.

2. Construction of portion of a new railway from Motspur Park to Leatherhead.

3. Reconstruction of Templecombe, Twickenham and other Stations.

THE SECOND SCHEDULE.

The Proportions referred to in Clause 4 hereof.

Great Western Railway Company -	Eleven fifty-third parts.
London Midland and Scottish Railway Company.	Eighteen fifty-third parts.
London and North Eastern Railway Company.	Twelve fifty-third parts.
Southern Railway Company - -	Twelve fifty-third parts.

Signed Sealed and Delivered by The Right Honourable Neville Chamberlain, one of the Commissioners of His Majesty's Treasury, in the presence of—
J. D. B. Ferguson,
Treasury Chambers, S.W.1.
Civil Servant.

N. CHAMBERLAIN.

L.S.

Signed Sealed and Delivered by Archibald Richard James Southby, Commander, R.N., one of the Commissioners of His Majesty's Treasury, in the presence of—
C. J. Harris,
12, Downing Street, S.W.1.
Civil Servant.

ARCHIBALD R. J. SOUTHBY.

L.S.

The Common Seal of the Great Western Railway Company was hereunto affixed in the presence of—
F. R. Davis,
Secretary.
16081.

Seal.

The Common Seal of the London Midland and Scottish Railway Company was hereunto affixed in the presence of—
O. Glynne Roberts,
Secretary.

Seal.

The Common Seal of the London and North Eastern Railway Company was hereunto affixed in the presence of—
P. J. Dowsett,
Assistant Secretary.
6988.

Seal.

The Common Seal of the Southern Railway Company was hereunto affixed in the presence of—
F. H. Willis,
Secretary.

Seal.

CHAPTER 7.

An Act to extend until a date not later than the thirty-first day of March nineteen hundred and thirty-six, the period in respect of which grants are to be paid to local authorities out of moneys provided by Parliament under section one of the Unemployment Assistance (Temporary Provisions) (No. 2) Act, 1935.

[27th February 1936.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Amendment of 25 & 26 Geo. 5. c. 22, s. 1 (1).

1. Section one of the Unemployment Assistance (Temporary Provisions) (No. 2) Act, 1935 (which requires the payment of grants to local authorities out of moneys provided by Parliament in consequence of the postponement of the second appointed day for the purposes of the Unemployment Act, 1934, in respect of the period beginning with the first day of March nineteen hundred and thirty-five and ending with the thirtieth day of September nineteen hundred and thirty-five, or with the day before the date to be appointed as the second appointed day for the purposes of the last mentioned Act, whichever is the earlier) shall have effect as if for the reference in subsection (1) thereof to the thirtieth day of September nineteen hundred and thirty-five, there were substituted a reference to the thirty-first day of March nineteen hundred and thirty-six.

24 & 25 Geo. 5. c. 29.

Short title, citation and extent.

2.—(1) This Act may be cited as the Unemployment Assistance (Temporary Provisions) (Extension) Act, 1936, and this Act and the Unemployment Assistance Acts, 1934 and 1935, may be cited together as the Unemployment Assistance Acts, 1934 to 1936.

(2) This Act shall not extend to Northern Ireland.

CHAPTER 8.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-six. [19th March 1936.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Issue of 10,551,100*l.* out of the Consolidated Fund for the service of the year ending 31st March 1936.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-six, the sum of ten million, five hundred and fifty-one thousand, one hundred pounds.

Power for the Treasury to borrow.

2.—(1) The Treasury may borrow from any person, by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole ten million, five hundred and fifty-one thousand, one hundred pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and thirty-six, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

40 & 41 Vict. c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five

pounds per centum per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

(5) The interest on any money borrowed under this section shall be paid out of the permanent annual charge for the National Debt.

Short title.

3. This Act may be cited as the Consolidated Fund (No. 1) Act, 1936.

CHAPTER 9.

An Act to extend with amendments certain temporary provisions of the Milk Act, 1934. [19th March 1936.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Extension of periods for Exchequer payments under ss. 1, 2 and 3 of principal Act. 24 & 25 Geo. 5. c. 51.

1. The periods of twenty-four consecutive months specified in sections one, two and three of the Milk Act, 1934 (hereinafter referred to as " the principal Act ") as the periods within which must fall the month by reference to which payments out of moneys provided by Parliament are determined under those sections (which relate respectively to Exchequer payments in respect of milk sold for manufacture, used for manufacture by milk marketing boards, and converted into cheese at farms) shall be extended by eighteen months, and accordingly such payments shall, subject to the provisions of those sections, be made in respect of months falling within those periods as so extended.

Extension of periods for

2. The periods of twenty-four consecutive months specified in subsection (1) and in subsection (2) of section five of the principal Act as the periods within which must fall the month by reference to which sums payable to the Minister by the board administering a milk marketing scheme are determined under those subsections (which relate to payments to the Exchequer in respect of milk used in manufacturing milk products) shall be extended by eighteen months, and accordingly such payments shall, subject to the provisions of the said section five, be made in respect of months falling within those periods as so extended.

payments to Exchequer under s. 5 of principal Act.

Extension of periods for Exchequer payments to Government of Northern Ireland under s. 6 of principal Act.

3.—(1) The power of the Minister of Agriculture and Fisheries under subsection (1) of section six of the principal Act to pay to the Government of Northern Ireland out of moneys provided by Parliament such sums, if any, as may be agreed between the Treasury and the Government of Northern Ireland with a view to securing, in the case of milk produced in Northern Ireland which has, in any month, been used in manufacturing cream or butter at premises registered under any Act of the Parliament of Northern Ireland relating to the marketing of dairy produce, that the sum per gallon payable in respect of that milk to the respective producers thereof is not less than the standard price for that month, shall include power to make such payments in respect of any month in the period beginning on the first day of April, nineteen hundred and thirty-six, and ending with the thirtieth day of September, nineteen hundred and thirty-seven.

(2) The period of twenty-four consecutive months specified in subsection (2) of section six of the principal Act as the period within which must fall the months by reference to which the sums payable to the Exchequer of the United Kingdom by the Government of Northern Ireland are determined under that subsection (which relates to the refunding of excess payments made under subsection (1) of that section) shall be extended by eighteen months, and accordingly such payments shall, subject to the provisions of that section, be made in respect of months falling within that period as so extended.

Extension of period in respect of which Exchequer con-

4. The power of the Minister under subsection (1) of section eleven of the principal Act to pay to the board administering a milk marketing scheme, out of moneys provided by Parliament, sums in respect of expenses tribution may be made towards expenses of boards.

incurred by the Board in giving effect to arrangements for increasing the demand for milk, shall include power to make such payments in respect of such expenses as appear to the Minister to be attributable to any time before the first day of October, nineteen hundred and thirty-seven; and the amount which may be expended under the said subsection shall be increased by five hundred thousand pounds.

Minor and consequential amendments.

5.—(1) The amendments specified in the second column of Part I of the Schedule to this Act, which relate to matters of minor detail, shall be made in the provisions of the principal Act specified in the first column of that Part of that Schedule.

(2) The amendments specified in the second column of Part II of the Schedule to this Act, being amendments consequential on the foregoing provisions of this Act, shall be made in the provisions of the principal Act specified in the first column of that Part of that Schedule.

Short title, construction and extent.

6. This Act may be cited as the Milk (Extension of Temporary Provisions) Act, 1936, and shall be construed as one with the principal Act; and this Act and the principal Act may be cited together as the Milk Acts, 1934 and 1936.

SCHEDULE.

Section 5.

MINOR AND CONSEQUENTIAL AMENDMENTS.

PART I.

MINOR AMENDMENTS.

Provisions to be amended.	Amendments.
Section two -	In subsection (2), for the words from " the milk " to the end of the subsection, there shall be substituted the words following :— " during that month the greater part of the milk sold wholesale in Great Britain for use in manufacturing that milk product has been bought."

Provisions to be amended.	Amendments.
Section two —*cont.*	After subsection (3) there shall be added the following subsection :— " (4) Where the Minister is satisfied that the net sum per gallon for which milk is sold wholesale in Great Britain for use in manufacturing any milk product differs in respect of milk sold for use in manufacturing different descriptions of that milk product, he may by order direct that, in relation to that milk product, the foregoing provisions of this section shall have effect as if for references to the milk product there were therein substituted references to those descriptions of the milk product; and the Minister may by order vary or revoke any previous order made by him under this subsection."
Section five -	In subsection (3), for paragraphs (*a*) and (*b*) there shall be substituted the following paragraphs :— " (*a*) to pay any sum in respect of milk used in manufacturing butter or cheese, in excess of the sums which have become payable under the foregoing provisions of this Act to that board in respect of milk used in manufacturing butter or cheese; or (*b*) to pay any sum in respect of milk used in manufacturing cream, milk powder or condensed milk, in excess of the sums which have become payable under the foregoing provisions of this Act to that board in respect of milk used in manufacturing cream, milk powder or condensed milk."
	PART II.
	CONSEQUENTIAL AMENDMENTS.
Sections one, two and three.	In subsection (1) of each of those sections for the words " twenty-four consecutive months " falling between the end of March, nineteen " hundred and thirty-four, and the beginning of

Provisions to be amended.	Amendments.
Sections one, two and three—*cont.*	"April, nineteen hundred and thirty-six" there shall be substituted the words "forty-two consecutive months falling between the end of March, nineteen hundred and thirty-four, and the beginning of October, nineteen hundred and thirty-seven".
Section four -	In subsection (2), in paragraph (*b*) thereof, for the words "April, nineteen hundred and thirty-eight" there shall be substituted the words "October, nineteen hundred and thirty-nine".
Section five -	In each of subsections (1) and (2), for the words "twenty-four consecutive months falling between the end of March, nineteen hundred and thirty-six, and the beginning of April, nineteen hundred and thirty-eight" there shall be substituted the words "forty-two consecutive months falling between the end of March, nineteen hundred and thirty-six, and the beginning of October, nineteen hundred and thirty-nine".
Section six -	In subsection (1), for the word "year", wherever that word occurs, there shall be substituted the word "period"; in paragraph (*a*) thereof, after the words "nineteen hundred and thirty-four" there shall be inserted the words "and ending with the thirty-first day of March, nineteen hundred and thirty-five"; in paragraph (*b*) thereof, after the words "nineteen hundred and thirty-five" there shall be inserted the words "and ending with the thirtieth day of September, nineteen hundred and thirty-seven"; In subsection (2) for the words "twenty-four consecutive months falling between the end of March, nineteen hundred and thirty-six and the beginning of April, nineteen hundred and thirty-eight" there shall be substituted the words "forty-two consecutive months falling between the end of March, nineteen hundred and thirty-six and the beginning of October, nineteen hundred and thirty-nine".
Section seven -	In subsection (2), for the words "twenty-four consecutive months falling between the end of March, nineteen hundred and thirty-six, and the beginning of April, nineteen hundred and

Provisions to be amended.	Amendments.
Section seven —*cont.*	" thirty-eight " there shall be substituted the words " forty-two consecutive months falling " between the end of March, nineteen hundred " and thirty-six, and the beginning of October, " nineteen hundred and thirty-nine ". In subsection (4), for the words " March, nineteen hundred and thirty-eight " there shall be substituted the words " September, nineteen hundred and thirty-nine ".
Section eight -	In subsection (2), for the words " April, nineteen hundred and thirty-eight " there shall be substituted the words " October, nineteen hundred and thirty-nine ".
Section eleven -	In subsection (1), in paragraph (*a*) of the proviso thereto, for the words from " the period " to the end of that paragraph, there shall be substituted the words " September, nineteen hundred and thirty-seven "; in paragraph (*b*) of the said proviso, after the word " million " there shall be inserted the words " five hundred thousand ".

CHAPTER 10.

An Act to confirm and give effect to an Agreement made between the Treasury and the Ministry of Finance for Northern Ireland with a view to assimilating the burdens on the Exchequer of the United Kingdom and the Exchequer of Northern Ireland in respect of unemployment.

[19th March 1936.]

WHEREAS provision was made by the Unemployment Insurance (Northern Ireland Agreement) Act, 1926, for confirming and giving effect to an agreement made between the Treasury and the Ministry of Finance for Northern Ireland with a view to assimilating the burdens on the Exchequer of the United Kingdom and the Exchequer of Northern Ireland in respect of unemployment insurance : 16 & 17 Geo. 5. c. 4.

19 & 20 Geo. 5. c. 18. And whereas provision was made by the Unemployment Insurance (Northern Ireland Agreement) Act, 1929, for confirming and giving effect to an agreement made between the Treasury and the Ministry of Finance for Northern Ireland for continuing the first-mentioned agreement:

And whereas it has been agreed between the Treasury and the Ministry of Finance for Northern Ireland that the said two agreements should be superseded, as from the first day of April, nineteen hundred and thirty-five, by the agreement set forth in the Schedule to this Act (in this Act referred to as "the scheduled agreement") made between them with a view to assimilating the burdens on the Exchequer of the United Kingdom and the Exchequer of Northern Ireland in respect of unemployment:

And whereas it is expedient to confirm and give effect to the scheduled agreement, to provide for the payment of such sums as may be payable out of the Exchequer of the United Kingdom thereunder, and to repeal the said Acts:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Confirmation of scheduled agreement.

1.—(1) The scheduled agreement is hereby confirmed and shall have effect as if enacted in this Act.

(2) Any sums payable under the scheduled agreement from the Exchequer of the United Kingdom to the Exchequer of Northern Ireland shall be charged on and paid out of the Consolidated Fund of the United Kingdom or the growing produce thereof.

Short title, repeal, commencement and duration.

2.—(1) This Act may be cited as the Unemployment (Northern Ireland Agreement) Act, 1936.

(2) The Unemployment Insurance (Northern Ireland Agreement) Act, 1926, and the Unemployment Insurance (Northern Ireland Agreement) Act, 1929, are hereby repealed.

(3) This Act shall not come into operation unless and until His Majesty by Order in Council declares that a corresponding Act has been passed by the Parliament of Northern Ireland, and shall cease to be in force if and when His Majesty by Order in Council declares that the corresponding Act of the Parliament of Northern Ireland has ceased to be in force.

SCHEDULE.

AGREEMENT MADE BETWEEN THE TREASURY AND THE MINISTRY OF FINANCE FOR NORTHERN IRELAND WITH A VIEW TO ASSIMILATING THE BURDENS ON THE EXCHEQUER OF THE UNITED KINGDOM AND THE EXCHEQUER OF NORTHERN IRELAND IN RESPECT OF UNEMPLOYMENT.

The Commissioners of His Majesty's Treasury and the Ministry of Finance for Northern Ireland, with a view to assimilating the burdens on the Exchequer of the United Kingdom and the Exchequer of Northern Ireland in respect of unemployment, have entered into the following Agreement, which supersedes as from the 1st day of April, 1935, the Agreements dated the 10th February, 1926, and 14th December, 1928.

1. At the date when this Agreement comes into force and thereafter triennially the Government Actuary shall estimate on the basis of figures supplied by the Departments concerned—

(*a*) the total number of the persons insured under the Acts of the Parliament of the United Kingdom and of the Parliament of Northern Ireland relating to Unemployment Insurance, excluding persons insured under any special scheme made thereunder, and

(*b*) the total number of the persons insured under the Acts of the said Parliaments relating to Widows', Orphans' and Old Age Contributory Pensions, excluding persons insured as voluntary contributors and persons who have attained the age of 65,

and shall certify in either case the proportion of the number so estimated which represents the number of persons insured under the Acts of the Parliament of Northern Ireland.

The proportions so certified are hereinafter referred to as "the Unemployment Insurance Proportion" and "the Unemployment Assistance Proportion" respectively and in respect of any year shall be deemed to be those certified in the triennial certificates current in that year.

2. There shall be ascertained the payment (if any) necessary to be made as at the end of each financial year as between the Exchequer of Northern Ireland and the Unemployment Fund of Northern Ireland in order to bring the current account of that Fund created by the Unemployment Insurance (Agreement) Act (Northern Ireland), 1926, into parity with the Unemployment Fund of Great Britain: and for this purpose parity shall be deemed to exist between the said current account and the Unemployment Fund of Great Britain when the balance of the current account of the Northern Ireland Fund bears to the sum of the balances of the said current account and the said Unemployment Fund of Great Britain the proportion certified under Article 1 hereof as the Unemployment Insurance proportion.

3. The Government of Northern Ireland will cause to be repaid out of the Unemployment Fund of Northern Ireland at the rate of £40,000 per annum the sum of £2,400,000 being the existing balance of the suspense account of that Fund created under Section 4 of the Unemployment Insurance (Agreement) Act (Northern Ireland), 1926, and the said £40,000 per annum together with interest on the balance of the suspense account for the time being outstanding shall be included as expenditure from the current account of the Northern Ireland Unemployment Fund for the purpose of calculating the balance of the current account of that Fund under the preceding Article.

4.—(1) If in respect of any financial year the payments made by the Exchequer of Northern Ireland to the Unemployment Fund and Unemployment Assistance Fund of Northern Ireland (after taking into account any payment made for the purpose referred to in Article 2 hereof) shall together exceed the sum of—

(*a*) the Unemployment Insurance proportion of the payments (after taking into account any payment as aforesaid) made by the Exchequers of the United Kingdom and Northern Ireland to the Unemployment Funds of Great Britain and Northern Ireland, and

(*b*) the Unemployment Assistance proportion of the payments so made to the Unemployment Assistance Funds of Great Britain and Northern Ireland, the Exchequer of the United Kingdom shall contribute to the Exchequer of Northern Ireland three-quarters of the excess:

Provided that if, according to a Certificate to be given at the end of each financial year by the Government Actuary, the number (based upon the average of the monthly returns) of unemployed persons in Northern Ireland between the ages of 16 and 64 (both inclusive) in that year is less than twenty per cent. of the estimated number of persons insured under the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland) (excluding the classes of persons referred to in Article 1 (*b*)), the contribution under this Article in respect of that year shall be reduced by one-twelfth part for each complete one per cent. by which the said percentage is less than twenty.

(2) For the purpose of this Article a grant paid to a local authority under any Act of the Parliament of the United Kingdom providing for financial adjustments necessitated by the delay in relieving local authorities in respect of expenditure in connection with relief of the poor occurring by reason of the second appointed day for the purposes of the Unemployment Act, 1934, having been postponed, or under any corresponding Act of the Parliament of Northern Ireland shall be deemed to be a payment to the Unemployment Assistance Fund of Great Britain or Northern Ireland as the case may be.

5. If in respect of any financial year the payments by the Exchequer of Northern Ireland referred to in the last preceding Article are less than the sum therein stated, the difference between the said payments and the said sum shall be paid by that Exchequer to the Exchequer of the United Kingdom.

6. Payments on account of such contributions as may ultimately be found to be due under Article 4 or Article 5 hereof from one Exchequer to the other may be made of such amounts and at such times as the Joint Exchequer Board may determine to be proper, and for this purpose the Board may make provisional estimates of the percentage referred to in the proviso to Article 4 (1) hereof.

7. If at any time the classes of persons insured or of persons entitled to apply for an unemployment allowance the rates of contribution the rates or conditions of benefit or the regulations under which allowances are paid or the general method of charging administrative expenses or the method of financing the Unemployment or Unemployment Assistance Funds differ in Great Britain and Northern Ireland there shall be made such

adjustment, if any, in the amounts of the contributions from one Exchequer to the other as the Joint Exchequer Board, after consulting the Government Actuary, may consider just.

8. Any question arising under this Agreement whether as to the amount of any payment for the purpose referred to in Article 2 hereof or of any contribution from one Exchequer to the other under Articles 4 and 5 hereof or otherwise shall be determined by the Joint Exchequer Board, whose decision shall be final.

9. This Agreement shall not come into operation until confirmed by Acts of the Parliaments of the United Kingdom and Northern Ireland respectively but upon being so confirmed shall apply as from the 1st day of April, nineteen hundred and thirty-five.

(Signed)
N. CHAMBERLAIN.

(Signed)
JAMES BLINDELL.

(Signed)
H. M. POLLOCK.

29th July 1935.

CHAPTER 11.

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March, one thousand nine hundred and thirty-five, one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-seven. [30th March 1936.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Issue of 3,428,094*l.* 17*s.* 8*d.* out of the Consolidated Fund for the service of the years ending 31st March 1935 and 1936.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom and apply towards making good the supply granted to His Majesty for the service of the years ending on the thirty-first day of March, one thousand nine hundred and thirty-five and one thousand nine hundred and thirty-six, the sum of three million four hundred and twenty-eight thousand and ninety-four pounds seventeen shillings and eightpence.

Issue of 251,241,900*l.* out of the Consolidated Fund for the service of the year ending 31st March 1937.

2. The Treasury may issue out of the Consolidated Fund of the United Kingdom and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-seven, the sum of two hundred and fifty-one million, two hundred and forty-one thousand nine hundred pounds.

Power for the Treasury to borrow.

3.—(1) The Treasury may borrow from any person by the issue of Treasury Bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole two hundred and fifty-four million six hundred and sixty-nine thousand nine hundred and ninety-four pounds seventeen shillings and eightpence.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and thirty-seven, and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

40 & 41 Vict. c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

(5) The interest on any money borrowed under this section shall be paid out of the permanent annual charge for the National Debt.

Short title.

4. This Act may be cited as the Consolidated Fund (No. 2) Act, 1936.

CHAPTER 12.

An Act to extend by twelve months the period in respect of which subsidies are payable under Part I of the British Shipping (Assistance) Act, 1935; to render eligible for subsidy under that Part of that Act vessels to which that Act applies which are registered at ports in the United Kingdom and which became British ships on or before the first day of January nineteen hundred and thirty-six; and to provide for the payment of such subsidies and of the expenses of the Board of Trade under the said Part I, in respect of the year nineteen hundred and thirty-six, out of moneys provided by Parliament.

[9th April 1936.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendments of 25 & 26 Geo. 5. c. 7.

1.—(1) The period during which tramp voyages or parts of tramp voyages must have been carried out in order that a subsidy may be payable in respect thereof under Part I of the British Shipping (Assistance) Act, 1935 (hereinafter referred to as "the principal Act"), shall be extended until the end of the year nineteen hundred and thirty-six; and accordingly subsection (1) of section one of the principal Act shall have effect as if after the words "nineteen hundred and thirty-five" there were therein inserted the words "or in the year nineteen hundred and thirty-six."

(2) The vessels eligible for subsidy under the said Part I in respect of tramp voyages or parts of tramp voyages carried out by them in the year nineteen hundred and thirty-six, shall include and be deemed to have included as from the beginning of that year vessels to which the principal Act applies which are registered at ports in the United Kingdom and which became British ships on or before the first day of January nineteen hundred and thirty-six; and accordingly subsection (2) of section one of the principal Act shall, as from the beginning of the year nineteen hundred and thirty-six, have effect as if for the words "nineteen hundred and thirty-four" there were therein substituted the words "nineteen hundred and thirty-six."

(3) The sums necessary for the payment of subsidies under the said Part I in respect of tramp voyages or parts of tramp voyages carried out in the year nineteen hundred and thirty-six, and for the payment of any expenses incurred in respect of that year by or on behalf of the Board of Trade under the said Part I, shall be defrayed out of moneys provided by Parliament and shall not exceed in the aggregate two million pounds; and accordingly subsection (5) of section one of the principal Act shall have effect as if at the end thereof there were inserted the words "in respect of each of the years nineteen hundred and thirty-five and nineteen hundred and thirty-six".

(4) Subsection (3) of section six of the principal Act (which relates to the determination, among other questions, of questions whether any tramp voyage or part of such a voyage was carried out in the year nineteen hundred and thirty-five) shall have effect as if, in

paragraph (*c*) thereof, after the words "nineteen hundred and thirty-five" there were inserted the words "or nineteen hundred and thirty-six".

Short title.

2. This Act may be cited as the British Shipping (Continuance of Subsidy) Act, 1936, and this Act and the principal Act may be cited together as the British Shipping (Assistance) Acts, 1935 and 1936.

CHAPTER 13.

An Act to include employment in agriculture among the employments which are insurable under the Unemployment Insurance Act, 1935, and to make modifications in the provisions of that Act in their application to such employment, and other consequential modifications in those provisions. [9th April 1936.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Employment in agriculture to be insurable employment.

25 & 26 Geo. 5. c. 8.

1.—(1) Subject to the provisions of this Act every employment in agriculture that is an employment specified in Part I of the First Schedule to the Unemployment Insurance Act, 1935 (hereinafter referred to as "the principal Act"), shall be an insurable employment for the purposes of that Act unless it is an excepted employment, and Part II of the said Schedule (which contains the general list of excepted employments) shall have effect as if paragraph 1 were omitted therefrom and as if there were included therein the employments specified in the First Schedule to this Act.

(2) The power of the Minister to make regulations under the principal Act shall include power by such regulations made with the consent of the Treasury to provide, either generally or in such circumstances or in

such areas as may be specified in the regulations, and either unconditionally or subject to such conditions as may be so specified, that where manual labour in agriculture is performed in Great Britain under a contract for the performance of such labour for the purposes of any trade or business, the performance thereof shall be deemed to be insurable employment in agriculture, notwithstanding that it is not an employment specified in Part I of the First Schedule to the principal Act, and such regulations may, in relation to the performance of labour which under the regulations is to be deemed to be insurable employment in agriculture, and in relation to persons performing such labour, make provision as to the manner in which and the periods for which contributions are to be paid, as to the manner in which claims for benefit are to be made, and as to the circumstances in which such persons are to be deemed to be unemployed, and where, in accordance with such regulations, the performance of such labour as aforesaid is deemed to be insurable employment in agriculture, the person for the purposes of whose trade or business the labour is performed shall, in relation to the person performing the labour, be deemed to be the employer of that person for the purposes of the principal Act.

Reduced rates of contribution in respect of persons employed in agriculture.

2. The weekly contributions payable in respect of employment in agriculture shall be at the respective rates set out in the Second Schedule to this Act; and accordingly section eight of the principal Act (which relates to the liability of employers and employed persons for contributions) and subsection (2) of section twenty-one of the principal Act (which relates to the method of calculating contributions out of moneys provided by Parliament) shall, in their application to persons employed in agriculture, have effect as if for the references therein to the Third Schedule to that Act there were substituted references to the Second Schedule to this Act.

Rates of benefit in respect of agricultural contributions.

3.—(1) Benefit in respect of agricultural contributions shall be at the respective weekly rates set out in the Third Schedule to this Act; and accordingly section thirty-six of the principal Act (which relates to ordinary rates of benefit) shall, in its application to agricultural benefit, have effect as if for the reference therein to the Fourth Schedule to that Act there were substituted a reference to the Third Schedule to this Act.

(2) Sections thirty-eight and thirty-nine of the principal Act (which relate to increase of benefit in respect of adult dependants) shall, in their application to agricultural benefit, be subject to the following modifications, that is to say—

(*a*) subsection (1) of the said section thirty-eight shall have effect as if for the words " nine shillings " in both places where those words occur there were therein substituted the words " seven shillings " :

(*b*) the said section thirty-nine shall have effect as if at the end thereof there were inserted the following subsection :—

> " (4) Where the weekly rate of agricultural benefit increased under the last two foregoing sections would exceed thirty shillings the rate of benefit payable to the agricultural contributor shall be reduced by an amount equal to the excess."

Modification of first statutory condition in the case of agricultural benefit.

4.—(1) Section twenty-two of the principal Act (which relates to the first statutory condition for the receipt of benefit) shall, in its application to agricultural benefit, have effect as if for subsection (1) thereof there were therein substituted the following subsection :—

> " (1) The first statutory condition for the receipt of agricultural benefit by an agricultural contributor is that he proves that not less than twenty agricultural contributions have been paid in respect of him as an agricultural contributor in respect of the two years immediately preceding the date on which a claim for agricultural benefit is made."

(2) Subsection (5) of section seventy-five of the principal Act (which relates to the reckoning of credited contributions for the purposes of the first statutory condition) shall have effect as if there were inserted at the end thereof the words following :—

> " ; and
>
> (*e*) in the case of a claim for agricultural benefit by an agricultural contributor not more than ten credited contributions shall be taken into account for the purposes of paragraph (*a*) and of paragraph (*d*) of this subsection."

Right to agricultural benefit and periods in respect to which it is payable.

5. An agricultural contributor shall not be entitled to make application for agricultural benefit before the twenty-ninth day of October, nineteen hundred and thirty-six, or to receive benefit in respect of agricultural contributions in respect of any day before the fifth day of November, nineteen hundred and thirty-six, but on and after the said fifth day of November section thirty-one of the principal Act (which relates to the right to benefit and the periods in respect of which it is payable) shall, in its application to agricultural benefit, have effect as if for subsection (1) thereof there were therein substituted the following subsection :—

> "(1) An agricultural contributor who has attained the age of sixteen years and is unemployed shall, if he proves that the statutory conditions are fulfilled in his case, and if he is not disqualified under this Act for the receipt of benefit, be entitled, subject to the provisions of this Act, to receive in a benefit year agricultural benefit in respect of periods not exceeding in the aggregate—
>
> > (*a*) twelve days for the first ten agricultural contributions standing to his credit at the beginning of the benefit year; and
> >
> > (*b*) three further days for every agricultural contribution so standing to his credit in addition to the said ten :
>
> Provided that he shall not be entitled to receive in any benefit year agricultural benefit in respect of periods exceeding in the aggregate three hundred days" ;

and as if subsections (2) and (3) were omitted therefrom, and as if in subsection (5) thereof there were substituted for the reference to the last three foregoing subsections a reference to subsections (1) and (4) of the said section.

Reckoning of agricultural contributions.

6.—(1) In reckoning the number of agricultural contributions standing to the credit of an agricultural contributor at the beginning of any benefit year, agricultural benefit shall be deemed to have been paid in respect of a contribution at the rate of five-sixths of a contribution for each of the first twelve days' agricultural benefit paid to him in any benefit year and at the rate of one-third of a contribution for each further day's agricultural benefit paid to him in that benefit year, and the number of contributions in respect of which, as so reckoned, no agricultural benefit has been paid (including any fraction of a contribution) shall be taken to be the number of contributions standing to his credit.

(2) If at any time a period of five consecutive insurance years has elapsed without agricultural contributions being paid in respect of any person as an insured contributor, then, except during the remainder of a benefit year in which that period was completed, no agricultural contributions paid in respect of him before the beginning of that period of five consecutive insurance years shall be taken into account for any of the purposes of the principal Act, but upon agricultural contributions being again paid in respect of him as an insured contributor he shall be treated for the purposes of the principal Act as if he had then first become an agricultural contributor.

(3) The power of the Minister to make regulations under section thirty-three of the principal Act for the purposes of sections thirty-one and thirty-two of that Act shall include power to make regulations for the purposes of this section.

Provisions as to Unemployment Fund.

7.—(1) The accounts of the Unemployment Fund shall be so kept as to show in a separate account, to be called the "Agricultural Account" of the Unemployment Fund, such amounts as may be determined by the Minister with the concurrence of the Treasury to be approximately equivalent to—

(*a*) the contributions paid into the fund by employers and employed persons and out of moneys provided by Parliament in respect of persons employed in agriculture;

(*b*) the agricultural benefit payable out of the fund;

(*c*) any other receipts into or payments out of, the fund (including any receipts or payments in respect of administrative expenses) which in the opinion of the Minister and of the Treasury are properly attributable to the insurance of persons employed in agriculture under the principal Act.

(2) The account of the Unemployment Fund showing matters other than those shown in the agricultural account shall be called the "General Account" of the Unemployment Fund.

(3) Where it appears to the Minister that any payments into or out of the Unemployment Fund require to be apportioned between the general account and the agricultural account, the apportionment shall be made by the Minister with the concurrence of the Treasury.

(4) If at any time the amount standing to the credit either of the general account of the Unemployment Fund or of the agricultural account of that fund is insufficient to discharge the liabilities falling to be charged to that account, the Minister shall forthwith report the fact to the Unemployment Insurance Statutory Committee and there shall be charged to the account in deficiency and credited to the account not in deficiency such sums by way of interest on the amount of the deficiency as may be determined by the Minister with the concurrence of the Treasury.

Reports of Unemployment Insurance Statutory Committee as to Unemployment Fund.

8.—(1) The functions of the Unemployment Insurance Statutory Committee under section fifty-nine of the principal Act (which relates to reports on the financial condition of the Unemployment Fund) shall be exercised separately with regard to the general account of the Unemployment Fund and with regard to the agricultural account of that fund.

(2) The Fifth Schedule to the principal Act (which contains a list of the provisions of that Act of which amendments may be recommended by the Committee) shall have effect as if the provisions of this Act specified in the Fourth Schedule to this Act were included in the said Fifth Schedule.

(3) The power of the Committee under subsection (2) of the said section to make recommendations for the application of any sum towards the discharge of the liabilities mentioned in subsection (2) of section sixty of the principal Act shall extend only to the making of recommendations for the application towards the discharge of those liabilities of sums standing to the credit of the general account of the Unemployment Fund.

Contributions out of Unemployment Fund

9. Section sixty-two of the principal Act (which provides for contributions out of the Unemployment Fund to the expenses of Government Departments) shall to expenses of Government Departments.

have effect as if for subsection (1) thereof there were substituted the following subsection:—

> "(1) There shall in each year be paid to the Treasury out of the Unemployment Fund at such times and in such manner as the Treasury may direct such sums as the Minister may estimate in accordance with directions given by the Treasury to be the amount of the expenses of any Government Department which are determined in accordance with such directions to be attributable to the exercise of any functions performed in connection with the insurance of employed persons against unemployment in manner provided by this Act; and the sums so payable shall be apportioned by the Minister with the concurrence of the Treasury between the general account and the agricultural account of the fund:
>
> Provided that the sums paid under this subsection in any year out of the general account and out of the agricultural account of the fund respectively shall not exceed one-eighth of the receipts on account of income credited to that account after deducting, so long as regulations made under this Act provide for the payment of contributions by means of unemployment insurance stamps, any sums which have been refunded on account of any such stamps or on account of contributions paid (whether by stamps or otherwise) in respect of a person under the erroneous belief that the contributions were payable in respect of him under this Act."

Regulations as to yearly and half-yearly hirings.

10.—(1) The Minister may, by regulations under the principal Act, make provision that where a contract is made for the employment of any person in agriculture for a period of yearly or half-yearly hiring then, if, in the prescribed manner, it is proved—

(*a*) not later than twenty-eight days after the beginning of the period of yearly or half-yearly hiring that the contract has been made; and

(*b*) within the prescribed time after the expiration of the period of yearly or half-yearly hiring, that the employment has continued, and that agricultural contributions have been duly paid in respect thereof, throughout that period;

the employer and the employed person shall each be entitled, on making application in the prescribed manner and within the prescribed time, to have repaid to him the appropriate proportion of the agricultural contributions paid by him in respect of the employed person during the period of yearly or half-yearly hiring; so, however, that such regulations may provide, in the case of agricultural contributions paid by an employer on behalf of a person employed by him and not recovered from that person, for the repayment under this section being made to the employer instead of to that person.

(2) For the purposes of this section the expression—

"Period of yearly hiring" means a period of not less than fifty consecutive weeks;

"Period of half-yearly hiring" means a period of less than fifty but not less than twenty-one consecutive weeks;

"Appropriate proportion" means in the case of a period of yearly hiring twenty-five per cent., and in the case of a period of half-yearly hiring twelve and one-half per cent.

(3) In calculating the amount of any repayment to be made in accordance with the regulations made for the purposes of this section, fractions of a penny shall be disregarded.

(4) The amount of the repayments made in any year in accordance with regulations made for the purposes of this section shall be deducted—

(*a*) for the purpose of calculating contributions to be made out of moneys to be provided by Parliament under section twenty-one of the principal Act, from the contributions paid in that year in respect of employed persons; and

(*b*) for the purpose of calculating the limitation upon the sums payable out of the Unemployment Fund in respect of the expenses of Government Departments under section sixty-two of the principal Act, from the receipts on account of income credited to the agricultural account of that Fund.

Regulations as to persons who are insured contributors both in respect of employment in agriculture and otherwise.

11.—(1) The Minister may make regulations under the principal Act as to persons who are insured contributors both in respect of employment in agriculture and otherwise and, subject to the provisions of this section, such regulations may modify the provisions of the principal Act in such manner as the Minister thinks proper for the purpose of making necessary adjustments in the operation of the principal Act with respect to such persons.

(2) Any such regulations shall contain provisions securing—

(*a*) that when an insured contributor has begun a benefit year (whether as an agricultural contributor or otherwise) then, until the expiration of a period of twelve months from the beginning of that benefit year, no other benefit year shall begin in his case notwithstanding that he may during that benefit year prove the matters specified in subsection (1) of section thirty-two of the principal Act;

(*b*) that an insured contributor who at the beginning of his benefit year has proved that the first statutory condition for the receipt of agricultural benefit by an agricultural contributor is fulfilled in his case shall, if during that benefit year he proves that the first statutory condition for the receipt of benefit by an insured contributor other than an agricultural contributor is fulfilled in his case, be entitled, subject to the provisions of the principal Act, to receive benefit at the rates provided by the principal Act with respect to benefit other than agricultural benefit;

(*c*) that an insured contributor who at the beginning of his benefit year has proved that the first statutory condition for the receipt of benefit other than agricultural benefit by an insured contributor other than an agricultural contributor, is fulfilled in his case shall, if during that benefit year he proves that the first statutory condition for the receipt of agricultural benefit by an agricultural contributor is fulfilled in his case, be entitled, subject to the provisions of the principal Act, to receive benefit at the rates provided by the principal Act with respect to agricultural benefit;

(*d*) that no insured contributor shall be entitled to receive benefit at both the rates aforesaid in respect of the same day but that benefit shall be paid to any such insured contributor who is entitled to receive benefit at the highest rate to which he is for the time being entitled.

Consequential and minor amendments of principal Act.

12. The amendments specified in the second column of the Fifth Schedule to this Act (which relate to consequential matters and matters of minor detail) shall be made in the provisions of the principal Act specified in the first column of that Schedule.

Payment of agricultural benefit through Post Office.

13. As soon as may be after the passing of this Act, the Minister shall consult with the Postmaster General and, subject to his concurrence, shall make regulations under the principal Act so far as it appears to them to be practicable and reasonable for the purpose of enabling persons residing in rural areas to make claims for, and to obtain payment of, agricultural benefit at a post office within a reasonable distance of the place where they reside.

Power to provide for insurance of private gardeners.

14.—(1) As soon as may be after the passing of this Act, the Minister shall refer to the Unemployment Insurance Statutory Committee the question whether it is desirable and practicable to include employment as a private gardener among insurable employments, and the Committee, after giving such notice as they consider sufficient of their intention to inquire into that question, and after taking into consideration any representations submitted to them by persons appearing to them to represent persons employed in that employment and the employers of such persons, shall make a report to the Minister thereon.

(2) The Minister shall lay the report of the Committee before Parliament and if, after considering the report, the Minister is of opinion that it is desirable to amend this Act for the purpose of including any class of employment as a private gardener among insurable employments as employment in agriculture, he may, with the consent of the Treasury, lay before Parliament

the draft of an Order making such amendments of this Act for that purpose as he thinks fit.

(3) If each House resolves that the draft of an Order laid before it under this section be approved, the Minister shall make an Order in the terms of the draft to take effect on such date as may be specified in the Order, and as from that date the provisions of this Act shall have effect subject to the provisions of the Order.

Payments out of moneys provided by Parliament.

15. Any increase attributable to the passing of this Act in the sums payable out of moneys provided by Parliament by virtue of sections twenty-one, ninety-four or ninety-five of the principal Act shall be defrayed out of moneys provided by Parliament.

Interpretation.

16.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say,—

"Agriculture" includes horticulture and forestry;

"Agricultural benefit" means benefit at the weekly rates set out in the Third Schedule to this Act, and includes any increase in the said rates payable under sections thirty-seven or thirty-eight of the principal Act;

"Agricultural contributions" means contributions paid in respect of employment in agriculture; and

"Agricultural contributor" means an insured contributor insured under the principal Act in respect of employment in agriculture;

"Private gardener" means a person employed in horticulture otherwise than in any trade or business carried on for the purposes of gain, not being a person so employed by a public or local authority, or a society, institution, association, club, or company (whether incorporated or not).

(2) Except where the context otherwise requires, references in this Act to the principal Act or to any provision thereof shall be construed as references to that

Act or provision as amended by this Act, and in the principal Act the expression " this Act " shall mean the principal Act as so amended.

Short title, citation, extent, saving, commencement and repeal.

17.—(1) This Act may be cited as the Unemployment Insurance (Agriculture) Act, 1936, and this Act and the Unemployment Insurance Act, 1935, may be cited together as the Unemployment Insurance Acts, 1935 and 1936.

(2) Save in so far as it affects provisions of the principal Act which extend to Northern Ireland, this Act shall not extend to Northern Ireland.

(3) Nothing in this Act shall affect the operation of Part III of the Unemployment Act, 1934.

24 & 25 Geo. 5. c. 29.

(4) This Act shall come into operation on the fourth day of May, nineteen hundred and thirty-six.

(5) Paragraph 1 of Part II of the First Schedule to the principal Act is hereby repealed.

SCHEDULES.

FIRST SCHEDULE.

Section 1.

Provisions as to Excepted Employments.

1. Employment in agriculture in the service of a person to whom the employed person bears any of the following relationships, that is to say, son, stepson, adopted son, son's wife, stepson's wife, adopted son's wife, daughter, stepdaughter, adopted daughter, daughter's husband, stepdaughter's husband, adopted daughter's husband, mother, stepmother, father, stepfather, adopter, grandparent or grandchild.

2. Employment as a private gardener.

Section 2.

SECOND SCHEDULE.

WEEKLY RATES OF AGRICULTURAL CONTRIBUTIONS PAYABLE BY EMPLOYERS AND EMPLOYED PERSONS.

Class of employed person to whom rate applies.	Weekly rate of contribution.	
	By the employed person.	By the employer.
	d.	*d.*
Men who have attained the age of 21 years -	4½	4½
Women who have attained the age of 21 years	4	4
Young men between the ages of 18 and 21 years - - - - - - -	4	4
Young women between the ages of 18 and 21 years - - - - - - -	3½	3½
Boys between the ages of 16 and 18 years -	2	2
Girls between the ages of 16 and 18 years -	1½	1½
Boys who have not attained the age of 16 years - - - - - - -	1½	1½
Girls who have not attained the age of 16 years - - - - - - -	1	1

Sections 3, 16.

THIRD SCHEDULE.

WEEKLY RATES OF AGRICULTURAL BENEFIT.

Class of agricultural contributor.	Rate of benefit.	
	s.	*d.*
Men who have attained the age of 21 years - -	14	0
Women who have attained the age of 21 years - -	12	6
Young men between the ages of 18 and 21 years - -	10	6
Young women between the ages of 18 and 21 years -	9	6
Boys between the ages of 17 and 18 years - - -	6	0
Girls between the ages of 17 and 18 years - - -	5	0
Boys who have not attained the age of 17 years - -	4	0
Girls who have not attained the age of 17 years - -	3	6

FOURTH SCHEDULE.

Section 8.

Provisions of Act of which amendments may be recommended by the Unemployment Insurance Statutory Committee.

Provision.	Subject Matter.
Section three	Rates of benefit in the case of agricultural contributors.
Section six	Reckoning of agricultural contributions.
Section ten	Regulations as to yearly and half-yearly hirings.
Section eleven	Regulations as to persons who are insured contributors both in respect of employment in agriculture and otherwise.
Second Schedule	Weekly rates of agricultural contributions payable by employers and employed persons.
Third Schedule	Weekly rates of agricultural benefit.

FIFTH SCHEDULE.

Section 12.

Consequential and Minor Amendments of Principal Act.

Provision to be amended.	Amendments.
Section three	In subsection (3) there shall be inserted after paragraph (*c*) thereof the words following— " and (*d*) for permitting persons who are employed under the same employer partly in agriculture and partly in some other insurable employment to be treated for the purposes of this Act, with the

5th Sch. —*cont.*

Provision to be amended.	Amendments.
Section three—*cont.*	consent of the employed persons, as if they were wholly employed in agriculture, or, with the consent of the employer, as if they were wholly employed in insurable employment other than in agriculture;" and after subsection (4) there shall be inserted the following subsections:— "(5) Where it appears to the Minister that the terms and conditions of service of, and the nature of the work performed by, any class of persons employed in agriculture are so similar to the terms and conditions of service of, and the nature of the work performed by, a class of persons employed in other insurable employment as to result in anomalies in the operation of this Act, the Minister may, by regulations made with the consent of the Treasury, either unconditionally or subject to such conditions as may be specified in the regulations, either— (*a*) provide for including the class of persons employed in other insurable employment among the classes of persons employed in agriculture; or (*b*) provide for including the class of persons employed in agriculture among the classes of persons employed in other insurable employment. (6) Where an employed person was in any calendar week employed partly in agriculture and partly in other insurable employment then, subject to the provisions of any regulations made under paragraph (*d*) of subsection (3) of this section— (*a*) if he was employed in agriculture to a greater extent than in other insurable employment he shall be deemed to have been in that week wholly employed in agriculture;

5th Sch. —*cont.*

Provision to be amended.	Amendments.
Section three—*cont.*	(*b*) if he was employed in other insurable employment to a greater extent than in agriculture, he shall be deemed to have been in that week wholly employed in other insurable employment : Provided that in the case of an employed person who was in any calendar week employed in insurable employment by more than one person, this subsection shall apply as if he had not in that week been employed in any employment other than that in which he was employed by the person who, in accordance with the provisions of section eleven of this Act, is deemed to be his employer. (7) The Minister may, by regulations made with the consent of the Treasury, provide that in the case of any person employed in any class of employment in agriculture specified in regulations made by the Minister or in a special order made under the National Health Insurance Acts, 1924 to 1935, and declared by the Minister to apply for the purposes of this Act as being of such a nature that it is ordinarily adopted as subsidiary employment only and not as the principal means of livelihood, if that person proves in the prescribed manner either— (*a*) that his employment in such classes of employment is not by way of subsidiary employment and is his principal means of livelihood; or (*b*) that he is normally employed in insurable employment or in such employment as would make him an employed person within the meaning of the enactments relating to unemployment insurance in Northern Ireland; his employment in such classes of employment as aforesaid shall, subject to such conditions, if any, as may be prescribed by the regulations, be deemed not to be an excepted employment."

5th Sch.—*cont.*

Provision to be amended.	Amendments.
Section four - -	In subsection (1) there shall be inserted after paragraph (*b*) thereof the words following— " or (*c*) as to whether any employment or any class of employment is or will be employment in agriculture or as to whether a person is or was employed in agriculture." In subsection (2) thereof after the word " employment " there shall be inserted the words " or is or was employment in agriculture ".
Section five - -	At the end thereof there shall be inserted the following subsection :— " (5) the following persons shall not be insured under this Act in respect of employment in agriculture, that is to say— " (*a*) persons not domiciled in the United Kingdom who are ordinarily resident outside the United Kingdom ; " (*b*) persons who are, to such extent and in such circumstances as may be prescribed, ordinarily dependent for their livelihood on occupations in agriculture that are not insurable employment ; and if any question arises as to whether any person is by virtue of this subsection not insured in respect of employment in agriculture, the question shall be decided by the Minister subject to the provisions of section eighty-four of this Act."
Section eleven -	In subsection (2) in paragraph (*a*) thereof after the word " workshop " there shall be inserted the words " or the occupier or manager of a farm ".
Section twenty-two	In subsection (1) thereof after the word " benefit ", where that word first occurs, there shall be inserted the words " other

5th Sch. —*cont.*

Provision to be amended.	Amendments.
Section twenty-two —*cont.*	than agricultural benefit " and after the word " contributions " there shall be inserted the words " other than agricultural contributions."
Section twenty-six -	In subsection (1) thereof for the words " or other premises " there shall be substituted the words " farm or other premises or place " and there shall be inserted in proviso (*b*) to that subsection after the word " premises " the words " or place." In subsection (2) thereof after the word " premises ", where that word occurs for the first time, there shall be inserted the words " or separate places ", after the word " premises ", where that word occurs for the second time, there shall be inserted the words " or at the same place ", after the word " workshop " there shall be inserted the words " or farm ", and after the word " premises ", where that word occurs for the third time, there shall be inserted the words " or a separate place ".
Section thirty-two -	In subsection (1) there shall be inserted in paragraph (*a*) thereof after the word " case " the words " and where that condition is fulfilled only as modified in its " application to agricultural benefit that " there are at least ten agricultural " contributions standing to his credit ".
Section sixty-five -	In paragraph (*a*) of subsection (1) after the word " workshop " there shall be inserted the words " or a house in which agricultural operations are carried on ".
Section seventy -	At the end thereof there shall be inserted the following subsection :— " (3) For the purpose of determining in relation to persons employed in insurable employment in agriculture the excess which must be payable under the rules of an association in order to enable a special arrangement with the

Provision to be amended.	Amendments.
Section seventy—*cont.*	association to be made or continued, subsection (1) of this section shall have effect as if the amounts mentioned in paragraph (*a*) and paragraph (*b*) thereof were reduced by one-half."
Section seventy-five -	After subsection (6) there shall be inserted the following subsection:— "(7) The Minister shall, after consultation with the Board of Education and the Scottish Education Department, and with the approval of the Treasury, provide by regulations for enabling credited contributions to be treated as agricultural contributions or as contributions other than agricultural contributions, and shall by such regulations make provision, in relation to purposes other than that of determining whether the first statutory condition is fulfilled, as to the period during which credited contributions that are treated as agricultural contributions are to be deemed to have been paid in respect of the person credited with them, as to that person being deemed to have been bonâ fide employed during that period, and as to the disregarding of contributions actually paid in respect of him before the end of that period."
Section eighty-five -	In subsection (1) after the word "person" (where that word occurs for the second time) there shall be inserted the words "or is or was employed in agriculture."
Section ninety-five -	After subsection (3) there shall be inserted the following subsection:— "(4) A person who, before his training, or before the date on which he was called out for or into service, embodied, taken into employment, given a commission or warrant, engaged or enlisted, as the case may be, was normally a person employed in agriculture, shall in respect

5th Sch. —*cont.*

Provision to be amended.	Amendments.
Section ninety-five —*cont.*	of any period during which he is under this section deemed to be an employed person in the service of the Crown, be treated as if he had been so employed in agriculture during that period."
First Schedule -	In paragraph 2 of Part II thereof, after the word "employed" (where that word occurs for the second time), there shall be inserted the words "in horticulture or".

CHAPTER 14.

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army and the Air Force. [30th April 1936.]

WHEREAS the raising or keeping of a standing army within the United Kingdom in time of peace, unless it be with the consent of Parliament, is against law:

And whereas it is adjudged necessary by His Majesty and this present Parliament that a body of land forces should be continued for the safety of the United Kingdom and the defence of the possessions of His Majesty's Crown, and that the whole number of such forces should consist of one hundred and fifty-eight thousand four hundred, including those to be employed at the depots in the United Kingdom for the training of recruits for service at home and abroad, but exclusive of the numbers actually serving within His Majesty's Indian possessions, other than Aden:

And whereas under the Air Force (Constitution) Act, 1917, His Majesty is entitled to raise and maintain the air force, and it is judged necessary that the whole number of such force should consist of fifty thousand, including those employed as aforesaid, but exclusive of the numbers serving as aforesaid:

7 & 8 Geo. 5. c. 51.

And whereas it is also judged necessary for the safety of the United Kingdom and the defence of the possessions of this realm that a body of Royal Marine forces should be employed in His Majesty's fleet and naval service under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid :

And whereas the said marine forces may frequently be quartered or be on shore, or be sent to do duty or be on board transport ships or vessels, merchant ships or vessels, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of His Majesty's forces by sea :

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers and according to the known and established laws of this realm; yet, nevertheless, it being requisite, for the retaining all the before-mentioned forces, and other persons subject to military law or to the Air Force Act, in their duty, that an exact discipline be observed and that persons belonging to the said forces who mutiny, or stir up sedition, or desert His Majesty's service, or are guilty of crimes and offences to the prejudice of good order and military or air force discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow :

And whereas the Army Act and the Air Force Act will expire in the year one thousand nine hundred and thirty-six on the following days :—

(*a*) In Great Britain and Northern Ireland, the Channel Islands, and the Isle of Man, on the thirtieth day of April; and

(*b*) Elsewhere, whether within or without His Majesty's dominions, on the thirty-first day of July :

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Short title.

1. This Act may be cited as the Army and Air Force (Annual) Act, 1936.

2.—(1) The Army Act and the Air Force Act shall be and remain in force during the periods hereinafter mentioned, and no longer, unless otherwise provided by Parliament, that is to say:—

Army Act and Air Force Act to be in force for specified times.

(*a*) Within Great Britain and Northern Ireland, the Channel Islands, and the Isle of Man, from the thirtieth day of April, one thousand nine hundred and thirty-six, to the thirtieth day of April, one thousand nine hundred and thirty-seven, both inclusive; and

(*b*) Elsewhere, whether within or without His Majesty's dominions, from the thirty-first day of July, one thousand nine hundred and thirty-six, to the thirty-first day of July, one thousand nine hundred and thirty-seven, both inclusive.

(2) The Army Act and the Air Force Act, while in force, shall apply to persons subject to military law or to the Air Force Act, as the case may be, whether within or without His Majesty's dominions.

(3) A person subject to military law or to the Air Force Act shall not be exempted from the provisions of the Army Act or Air Force Act by reason only that the number of the forces for the time being in the service of His Majesty, exclusive of the marine forces, is either greater or less than the numbers hereinbefore mentioned.

3. There shall be paid to the keeper of a victualling house for the accommodation provided by him in pursuance of the Army Act or the Air Force Act the prices specified in the Schedule to this Act.

Prices in respect of billeting.

AMENDMENTS OF THE ARMY AND AIR FORCE ACTS.

Part I.

Amendments of the Army Act applicable also (subject to modifications) to the Air Force Act.

4. In subsection (2) of section fifty-seven of the Army Act (which relates to the authorities empowered to commute and remit sentences of courts-martial) after the words " any prescribed officer " there shall be inserted the words " or, except in the United Kingdom, the officer, " not below the rank of field officer or corresponding rank, " commanding the body of the forces to which the

Amendment of Army Act, s. 57 (2).

" offender belongs or the command within which they " are serving, whether such officer is an officer of the " navy, army or air force."

Amendment of Army Act, s. 146.

5. In section one hundred and forty-six of the Army Act (which provides that officers on the active list shall not be sheriffs or mayors) the words from " or to be mayor " to the end of the section shall be omitted.

Application of Part I to Air Force Act.

6. References in the foregoing sections of this Part of this Act to the Army Act shall be deemed to include references to the Air Force Act, and the provisions of the said sections shall in their application to the Air Force Act have effect subject to any of the general modifications set out in Part I of the Second Schedule to the Air Force (Constitution) Act, 1917, which apply, and to the following special modification, namely, that for the expression " field officer " where that expression occurs in section four of this Act there shall be substituted the expression " squadron leader."

PART II.

AMENDMENTS OF THE AIR FORCE ACT.

Amendments of Air Force Act, ss.108A, 115.

7. In subsection (1) of section one hundred and eight A and in subsection (1) of section one hundred and fifteen (which relate to billeting in cases of emergency and to the supply of vehicles, horses and aircraft in cases of emergency), for the words " commanding any part of His Majesty's air force in any district or place " and the words " commanding the regular air force in any district or place " there shall be substituted respectively the words " commanding any portion of His Majesty's air forces " and the words " holding any appointment designated " for the purposes of this section by the Air Council or " commanding any portion of the regular air force."

Amendment of Air Force Act, s. 175.

8. In section one hundred and seventy-five of the Air Force Act (which relates to persons subject to that Act as officers), after paragraph (8) there shall be inserted the following new paragraph :—

> " (9) Any retired officer, within the meaning of the King's Regulations and Air Council Instructions for the Royal Air Force, when ordered on any air force duty or service for which as such an officer he is liable."

SCHEDULE.

Prices in respect of Billeting.

Section 3.

Accommodation to be provided.	Maximum price.
Lodging and attendance for a soldier where meals furnished.	Tenpence a night for the first soldier and eightpence a night for each additional soldier.
Breakfast as specified in Part I of the Second Schedule to the Army Act.	Sevenpence each.
Dinner as so specified - - - -	Tenpence.
Supper as so specified - - - -	Fourpence.
Where no meals furnished, lodging and attendance, and candles, vinegar, salt, and the use of fire, and the necessary utensils for dressing and eating his meat.	Tenpence a night for the first soldier and eightpence a night for each additional soldier.
Stable room and ten pounds of oats, twelve pounds of hay, and eight pounds of straw a day for each horse.	Two shillings and threepence a day.
Stable room without forage - - -	Sixpence a day.
Lodging and attendance for an officer -	Three shillings a night.

Note.—An officer shall pay for his food.

In the application of this Schedule to the Air Force, references to the Air Force Act and to an airman shall be substituted for references to the Army Act and to a soldier.

CHAPTER 15.

An Act to make provision for the honour and dignity of the Crown and the Royal Family, and for the payment of certain salaries, allowances and pensions; to enable His Majesty to assent to arrangements on behalf of any son of His Majesty being Duke of Cornwall for the payment of certain sums out of the revenues of the Duchy during the minority of the said Duke; and for purposes connected with the matters aforesaid. [21st May 1936.]

Most Gracious Sovereign,

WHEREAS Your Majesty has been graciously pleased to signify to Your faithful Commons in Parliament assembled that Your Majesty placed unreservedly at their disposal those hereditary revenues which were so placed by Your Predecessor, that Your Majesty desired that the contingency of Your Majesty's marriage should be taken into account, so that in that event there should be provision for Her Majesty the Queen, and for Members of Your Majesty's Family corresponding to the provision which the House of Commons have been willing to make in like circumstances in the past, and that your Majesty also desired that suitable provision should be made for His Royal Highness the Duke of York as the Heir Presumptive, and, in certain events, for His Royal Highness's family:

And whereas Your Majesty has further been graciously pleased to signify Your Majesty's intention, so long as the Duchy of Cornwall is vested in Your Majesty, to make the said provision for His Royal Highness the Duke of York, and, in so far as the revenues of the Duchy may be sufficient for the purpose, to provide for Your Majesty's Privy Purse:

Now, therefore, we, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom in Parliament assembled, have freely and voluntarily resolved to make such provision as hereinafter appears for the purposes aforesaid, and we do most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The hereditary revenues which were by section one of the Civil List Act, 1910, directed to be carried to and made part of the Consolidated Fund shall, during the present reign and a period of six months afterwards, be paid into the Exchequer, and be made part of the Consolidated Fund.

Payment of hereditary revenues to the Exchequer. 10 Edw. 7. & 1 Geo. 5. c. 28.

2. There shall, during the present reign and a period of six months afterwards, be paid for the King's Civil List, the yearly sum of four hundred and ten thousand pounds:

Annual payment for Civil List.

Provided that the rate of payment shall be reduced—

(*a*) in respect of any period during which His Majesty is unmarried, by forty thousand pounds per annum; and

(*b*) in respect of any period in the lifetime of His Royal Highness the Duke of York during which the Duchy of Cornwall is vested in His Majesty, by an annual amount equal to the sum by which the net revenues of the Duchy for the year exceed twenty-five thousand pounds; and

(*c*) in respect of any other period during which the Duchy of Cornwall is vested in His Majesty, by an annual amount equal to the net revenues of the Duchy for the year.

3.—(1) If His Majesty should marry, the following provisions of this section shall have effect.

Provision for the Queen in the event of His Majesty marrying, and for His Majesty's family.

(2) There shall be paid to Her Majesty the Queen during her life, in the event of Her Majesty surviving His Majesty, the yearly sum of seventy thousand pounds.

(3) There shall be paid to the trustees hereinafter mentioned as a provision for the benefit of His Majesty's children (other than the Duke of Cornwall for the time

being) the yearly sum of ten thousand pounds in respect of each son (other than the Duke of Cornwall for the time being) who attains the age of twenty-one years, and a further yearly sum of fifteen thousand pounds in respect of each such son who marries, and a yearly sum of six thousand pounds in respect of each daughter who attains the age of twenty-one years or marries:

Provided that the sum payable in respect of any such son or daughter shall cease to be paid in the event of the death of that son or daughter.

(4) The trustees shall hold the sums paid to them under this section in trust for all or any one or more of the children of His Majesty (other than the Duke of Cornwall for the time being), in such shares, at such times, in such manner and subject to such conditions and powers of revocation (including, if it is thought fit, a condition against alienation), as His present Majesty may by order, countersigned by the First Commissioner of His Majesty's Treasury and the Chancellor of the Exchequer, appoint:

Provided that any such appointment may be varied by another order made and countersigned in like manner.

Provision for His Royal Highness the Duke of York and his family.

4.—(1) There shall be paid to His Royal Highness the Duke of York during his life the yearly sum of twenty-five thousand pounds:

Provided that in respect of any period during which the Duchy of Cornwall is vested in His Majesty, and any period during which the Duke of Cornwall for the time being is a minor, no payment shall be made unless the net revenues of the Duchy for the year fall short, as respects the first period, of twenty-five thousand pounds and, as respects the second period, of fifty thousand pounds, and in the event of such a deficiency the rate of the payment shall not exceed an amount per annum equal to the deficiency.

(2) In the event of His Royal Highness the Duke of York predeceasing His Majesty, there shall be paid to the trustees hereinafter mentioned as a provision for the benefit of Her Royal Highness the Duchess of York and the children of Their Royal Highnesses, in respect of any period during which one of the children of Their Royal Highnesses is the Heir Presumptive to the Throne, the yearly sum of twenty-five thousand pounds.

(3) The trustees shall hold the sums paid to them under this section in trust for Her Royal Highness the Duchess of York and all or any one or more of the said children, in such shares, at such times and in such manner, and subject to such conditions and powers of revocation (including, if it is thought fit, a condition against alienation), as His present Majesty may by order, countersigned by the First Commissioner of His Majesty's Treasury and the Chancellor of the Exchequer, appoint:

Provided that any such appointment may be varied by another order made and countersigned in like manner.

(4) The yearly sum to be paid to His Royal Highness the Duke of York under this section shall be in addition to any sum payable to His Royal Highness by virtue of the provisions of section five of the Civil List Act, 1910.

Power of His Majesty to assent to certain payments out of revenues of Duchy of Cornwall during minority of any future Duke of Cornwall, &c.

5.—(1) Notwithstanding anything in the Duchy of Cornwall Management Acts, 1863 to 1893, or in any other Act or rule of law, it shall be lawful for His Majesty by order, countersigned by the First Commissioner of His Majesty's Treasury and by the Chancellor of the Exchequer, to assent on behalf of any son of His Majesty being Duke of Cornwall to arrangements whereby during the minority of the said Duke the following payments may be made out of the net revenues of the Duchy, that is to say—

(*a*) a payment at the rate of twenty-five thousand pounds per annum to His Royal Highness the Duke of York, so, however, that the rate shall be reduced, in any year in which the net revenues of the Duchy fall short of fifty thousand pounds, by the amount of the deficiency; and

(*b*) a payment to the Exchequer at an annual rate computed in each year by applying to the net revenues of the Duchy for the year, reduced by any sum paid out of the revenues of the Duchy in respect of that year to His Royal Highness the Duke of York, the standard rate of income tax for the year of assessment in which that year ends and the higher rates of income tax for the preceding year of assessment which would be applicable in the case of an individual having a total income equal to those net revenues so reduced; and

(*c*) a payment at the rate of twenty-five thousand pounds per annum, to be applied in part for the purpose of the maintenance and education of the said Duke of Cornwall and in part for the purpose of paying sums to the trustees hereinafter mentioned to be accumulated by them for the purpose of making provision for any future wife of the said Duke:

Provided that if at any time the said payments would exceed in the aggregate the net revenues of the Duchy for the year, the payment to the Exchequer may, with the consent of the Treasury, be reduced by an amount not greater than the excess.

(2) The payment referred to in paragraph (*c*) of the last preceding subsection shall, save in so far as any part thereof is made to the trustees therein mentioned, be made to His Majesty as guardian of the Duke of Cornwall and shall be applied by His Majesty for the purposes of the maintenance and education of the said Duke in such manner as His Majesty shall think fit.

(3) The sums paid to the said trustees shall not be less than such sums as, in the opinion of the trustees, will, with the accumulations thereof, be sufficient to enable such provision as is specified in the next succeeding subsection to be made therefrom for a future wife of the said Duke, and shall, until in the opinion of the trustees sufficient money has been accumulated to enable that provision to be made, not be less than ten thousand pounds a year.

(4) If the said Duke marries, the trustees shall out of the income, and, to such extent as may in their opinion be necessary or expedient, out of the capital, of the moneys in their hands by virtue of the arrangements make the following provision for his wife, that is to say—

(*a*) an income of ten thousand pounds a year during the joint lives of her and the said Duke, (*b*) an income of thirty thousand pounds a year, to commence on the death of the said Duke, for the remainder of her life,

and in particular, they may, if they think fit, make that provision in whole or in part by the purchase of an annuity or annuities for her from the National Debt Commissioners or otherwise:

Provided that, if the moneys in the hands of the trustees are not sufficient to enable the provision aforesaid to be made in full, the provision to be made for her during the life of the said Duke shall have the priority.

(5) On the death of the said Duke or his accession to the Throne any sums then in the hands of the trustees by virtue of the arrangements shall be paid to the Duchy of Cornwall and dealt with in like manner as gross sums of money received in respect of a sale of any of the possessions of the Duchy of Cornwall are to be dealt with under the Duchy of Cornwall Management Acts, 1863 to 1893:

Provided that on the death of the said Duke, the trustees shall retain such part of any moneys in their hands as aforesaid as may in their opinion be required for making such provision as aforesaid for any wife of his who survives him.

Constitution of Royal trustees.

6. The persons who are for the time being the First Commissioner of His Majesty's Treasury, the Chancellor of the Exchequer, and the Keeper of His Majesty's Privy Purse shall be the Royal trustees for the purposes of this Act, and shall be a body corporate by that name, and any act of the trustees may be signified under the hands and seals of the persons who are trustees for the time being.

Appropriation of Civil List.

7.—(1) In the application of the sum paid for the King's Civil List, the amounts specified in the Schedule to this Act shall be appropriated to the classes of expenditure specified therein respectively.

(2) If, at the end of any calendar year, the sum appropriated to any class of expenditure is not wholly required for expenditure of that class in that year, the

Treasury may direct that the amount not required be applied as an addition to the sum available for any other class.

Payments by Treasury in respect of retired allowances.

8.—(1) The Treasury may undertake the payment of any retired allowances granted, on a scale and in accordance with conditions approved by the Treasury, by His late Majesty or by His present Majesty to or in respect of persons who have been members of the Household of His late Majesty or of His present Majesty.

(2) Where the Treasury have under subsection (2) of section seven of the Civil List Act, 1910, undertaken the payment of part of any such allowance as is specified in subsection (1) of this section, they may, under the said subsection (1), undertake the payment of the whole of that allowance.

Provision as to certain officers of the Household.

9. The salaries of the Treasurer, the Comptroller and the Vice-Chamberlain of His Majesty's Household shall be paid out of moneys provided by Parliament as part of the expenses of the Treasury, and shall cease to be paid from the King's Civil List.

Meaning of " net revenues of Duchy of Cornwall ".

10.—(1) For the purposes of this Act the expression " net revenues of the Duchy of Cornwall " means, in relation to any year, the sum certified in respect of each year by the joint certificate of the auditor of the Duchy and the auditor of the Civil List to be the surplus in that year of the receipts of the Duchy on revenue account over payments on revenue account.

(2) In determining for the purposes of this section what receipts and payments are to be taken to be receipts and payments on revenue account, the two auditors shall follow the ordinary practice of the Duchy as existing immediately before the commencement of this Act, and shall include in their certificate a statement that they have complied with the provisions of this subsection.

Charge of payments under this Act.

11. The sums required under this Act for the King's Civil List, and for the provision, in the event of the marriage of His Majesty, for Her Majesty the Queen and for His Majesty's children, and for the provision under section four of this Act for His Royal Highness the

Duke of York and for His Royal Highness's family, and for the payment of the retired allowances payable by the Treasury under this Act, and for the payment of Civil List pensions (whether granted before or after the passing of this Act), shall be charged on and paid out of the Consolidated Fund or the growing produce thereof, and shall be paid at such times and in such manner as the Treasury may direct; and, in particular, effect shall be given to the reductions required by this Act to be made in the sums payable as aforesaid, at such times and in such manner as the Treasury may direct.

Adjustments in respect of parts of years.

12. Where any of the yearly payments, or any of the reductions of the yearly payments, mentioned in this Act fall to be made in respect only of a part of a year, such adjustments of and in relation to those payments and reductions shall be made as may in the circumstances of the case appear to the Treasury to be required.

Continuance of enactments, commencement, repeal and short title.

13.—(1) Sections five and six of the Civil List Act, 1837, which relate to Civil List pensions, shall continue to apply during the present reign and a period of six months afterwards, but Civil List pensions shall not be granted as chargeable on the sum paid for the Civil List.

1 & 2 Vict. c. 2.

(2) The Civil List Audit Act, 1816, and all other enactments relating to the Civil List of His late Majesty, and not hereby superseded or expressly repealed, shall continue to apply to the Civil List under this Act, and nothing in this Act shall affect any rights or powers for the time being exercisable with respect to any of the hereditary revenues which are by this Act directed to be paid into the Exchequer.

56 Geo. 3. c. 46.

(3) Sections one, two, four, six, and nine (with the exception of subsection (5) of section nine), of the Civil List Act, 1910, are hereby repealed, and the provisions made by this Act shall be in substitution for the provisions made by the enactments hereby repealed.

(4) This Act shall take effect as from the last demise of the Crown, and such adjustments shall be made as appear to the Treasury necessary for the giving effect to this subsection:

Provided that the sums payable under this Act for the King's Civil List in respect of the period between His present Majesty's accession to the Throne and the thirty-first day of March, nineteen hundred and thirty-six, shall be in addition to the sum issued in that period for the King's Civil List under the Civil List Act, 1910, for expenditure on works.

(5) This Act may be cited as the Civil List Act, 1936.

Section 7.

SCHEDULE.

Classes of Expenditure.	Sum appropriated.	
	While His Majesty is unmarried.	While His Majesty is married.
	£	£
I. His Majesty's Privy Purse	77,000	110,000
II. Salaries of His Majesty's Household and Retired Allowances.	127,000	134,000
III. Expenses of His Majesty's Household.	152,800	152,800
IV. Royal bounty, alms and special services.	13,200	13,200
Total	370,000	410,000

Note.—Effect shall be given to the reductions in the total of the Civil List which are under this Act to be made in respect of periods during which the Duchy of Cornwall is vested in His Majesty, by reducing, in the first place, the appropriations for the expenditure of Class I, and then (if and so far as may be necessary) the appropriations for the expenditure of Class II.

CHAPTER 16.

An Act to consolidate the provisions of the Coinage Offences Acts, 1861 and 1935, and of the Counterfeit Medal Act, 1883.

[21st May 1936.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Counterfeiting.

1.—(1) Every person who falsely makes or counterfeits any coin resembling any current coin shall be guilty of felony and on conviction thereof liable—

(*a*) in a case where the coin resembles a current gold or silver coin, to penal servitude for life or for any term not less than three years; and

(*b*) in a case where the coin resembles a current copper coin, to penal servitude for a term not exceeding seven years or less than three years.

(2) The offence of falsely making or counterfeiting a coin shall be deemed to be complete although the coin made or counterfeited is not in a fit state to be uttered or the making or counterfeiting thereof has not been finished or perfected.

Gilding, silvering, filing and altering.

2. Every person who—

(*a*) gilds or silvers, or, with any wash or materials capable of producing the colour or appearance of gold or silver or by any means whatsoever, washes, cases over or colours—

(i) any coin whatsoever resembling any current gold or silver coin; or

(ii) any current copper coin, with intent to make it resemble or pass for any current gold or silver coin; or

(iii) any piece of silver or copper or of coarse gold or coarse silver or of any metal or mixture of metals, being of a fit size and figure to be coined, with intent that it shall be coined into false and counterfeit coin resembling any current gold or silver coin; or

(*b*) gilds, or, with any wash or materials capable of producing the colour or appearance of gold or by any means whatsoever, washes, cases over or colours, any current silver coin with intent to make it resemble or pass for any current gold coin; or

(*c*) files or in any manner alters—

(i) any current silver coin with intent to make it resemble or pass for any current gold coin; or

(ii) any current copper coin with intent to make it resemble or pass for any current gold or silver coin;

shall be guilty of felony and on conviction thereof liable to penal servitude for life or for any term not less than three years.

Impairing gold or silver coin and unlawful possession of filings, &c.

3.—(1) Every person who impairs, diminishes or lightens any current gold or silver coin with intent that the coin so impaired, diminished or lightened may pass for a current gold or silver coin shall be guilty of felony, and on conviction thereof liable to penal servitude for a term not exceeding fourteen years or less than three years.

(2) Every person who unlawfully has in his possession any filing or clipping, or any gold or silver bullion, or any gold or silver in dust, solution or otherwise, which has been produced or obtained by impairing, diminishing or lightening any current gold or silver coin, knowing that it has been so produced or obtained, shall be guilty of felony and on conviction thereof liable to penal servitude for a term not exceeding seven years or less than three years.

Defacing and uttering defaced coins.

4.—(1) Every person who defaces any current coin by stamping thereon any names or words, whether the coin is or is not thereby diminished or lightened, shall be guilty of a misdemeanour, and on conviction thereof liable to imprisonment for a term not exceeding one year.

(2) A tender of payment in money made in any coin which has been defaced as aforesaid shall not be legal tender.

(3) Every person who tenders, utters or puts off any coin which has been defaced as aforesaid shall, on summary conviction, be liable to a fine not exceeding forty shillings :

Provided that no proceedings shall be instituted under this subsection, in England, without the consent of the Attorney-General, or, in Northern Ireland, without the consent of the Attorney-General for Northern Ireland.

(4) In England and Northern Ireland, a conviction for an offence under the last foregoing subsection shall not be removed by certiorari into the High Court and, as in Scotland, shall not be quashed for want of form.

Uttering and possession with intent to utter.

5.—(1) Every person who tenders, utters or puts off any false or counterfeit coin resembling any current coin knowing it to be false or counterfeit, shall be guilty of a misdemeanour and on conviction thereof liable to imprisonment for a term not exceeding one year.

(2) Every person who tenders, utters or puts off any false or counterfeit coin resembling any current gold or silver coin, knowing it to be false or counterfeit, and—

(*a*) at the time of the tendering, uttering or putting off has in his possession, besides that coin, any other such false or counterfeit coin; or

(*b*) on the day of the tendering, uttering or putting off, or within the period of ten days next following, tenders, utters or puts off any other such false or counterfeit coin, knowing it to be false or counterfeit;

shall be guilty of a misdemeanour and on conviction thereof liable to imprisonment for a term not exceeding two years.

(3) Every person who has in his possession three or more false or counterfeit coins resembling any current gold or silver coin, knowing them to be false or counterfeit and with intent to utter or put off the said coins or any of them, shall be guilty of a misdemeanour and on conviction thereof liable to penal servitude for a term not exceeding five years or less than three years.

(4) Every person who has in his possession three or more false or counterfeit coins resembling any current copper coin, knowing them to be false or counterfeit, and with intent to utter or put off the said coins or any

of them, shall be guilty of a misdemeanour and on conviction thereof liable to imprisonment for a term not exceeding one year.

(5) Every person who commits—

(*a*) any misdemeanour under subsection (1) of this section in respect of a coin resembling a current gold or silver coin; or

(*b*) any misdemeanour under subsection (2) or subsection (3) of this section;

having been previously convicted of any such misdemeanour or of any misdemeanour under sections nine, ten or eleven of the Coinage Offences Act, 1861, or of any felony under this Act or that Act, shall be guilty of felony and on conviction thereof liable to penal servitude for life or for any term not less than three years.

24 & 25 Vict. c. 99.

(6) Every person who, with intent to defraud, tenders, utters or puts off as or for any current gold or silver coin—

(*a*) any coin not being that current coin and being of less value than that current coin; or

(*b*) any medal or piece of metal or mixed metals resembling in size, figure and colour that current coin and being of less value than that current coin;

shall be guilty of a misdemeanour and on conviction therof liable to imprisonment for a term not exceeding one year.

(7) The offence of tendering, uttering or putting off a false or counterfeit coin shall be deemed to be complete although the coin is not in a fit state to be uttered or the counterfeiting thereof has not been finished or perfected.

Buying or selling, &c. counterfeit coin for lower value than its denomination.

6.—(1) Every person who, without lawful authority or excuse (the proof whereof shall lie on the person accused), buys, sells, receives, pays or puts off, or offers to buy, sell, receive, pay or put off, any false or counterfeit coin resembling any current coin at or for a lower rate or value than the false or counterfeit coin imports, or apparently is intended to import, shall be guilty of felony, and on conviction thereof liable—

(*a*) in a case where the coin resembles a current gold or silver coin, to penal servitude for life or for any term not less than three years; and (*b*) in a case where the coin resembles a current copper coin, to penal servitude for a term not exceeding seven years or less than three years.

(2) In any indictment for any felony under this section in respect of a coin resembling a current gold or silver coin, it shall be sufficient to allege that the person accused bought, sold, received, paid or put off the coin, or offered to buy, sell, receive, pay or put off the coin, at or for a lower rate of value than it imports or was apparently intended to import, without alleging at or for what rate, price or value it was bought, sold, received, paid or put off, or offered to be bought, sold, received, paid or put off.

(3) An offence under this section shall be deemed to be complete although the coin bought, sold, received, paid or put off, or offered to be bought, sold, received, paid or put off is not in a fit state to be uttered, or the counterfeiting thereof has not been finished or perfected.

Importing and exporting counterfeit coin.

7.—(1) Every person who, without lawful authority or excuse (the proof whereof shall lie on the person accused)—

(*a*) imports or receives into the United Kingdom from beyond the seas any false or counterfeit coin resembling any current gold or silver coin, knowing it to be false or counterfeit; or

(*b*) exports from the United Kingdom, or puts on board any ship, vessel or boat for the purpose of being so exported, any false or counterfeit coin resembling any current coin, knowing it to be false or counterfeit;

shall be guilty, in the case of importing or receiving, of felony and, in the case of exporting or putting on board, of a misdemeanour, and on conviction thereof liable to penal servitude for a term not exceeding fourteen years or less than three years.

(2) Nothing in this section shall affect the provisions relating to the importation of coin and imitation coin contained in section forty-two of the Customs Consolidation Act, 1876, and section two of the Revenue Act, 1889, as amended by any subsequent enactment.

39 & 40 Vict. c. 36.
52 & 53 Vict. c. 42.

Making, possessing and selling medals resembling gold or silver coin.

8. Every person who, without lawful authority or excuse (the proof whereof shall lie on the person accused), makes, sells, offers for sale or has in his possession for sale, any medal, cast, coin, or other like thing made wholly or partially of metal or any mixture of metals, and either—

(*a*) resembling in size, figure and colour any current gold or silver coin; or

(*b*) having thereon a device resembling a device on any such current coin; or

(*c*) being so formed that it can, by gilding, silvering, colouring, washing or other like process be so dealt with as to resemble any such current coin;

shall be guilty of a misdemeanour and on conviction thereof liable to imprisonment for a term not exceeding one year.

Making, mending and having possession of coining implements.

9.—(1) Every person who, without lawful authority or excuse (the proof whereof shall lie on the person accused), knowingly makes or mends, or begins or proceeds to make or mend, or buys or sells, or has in his possession, any puncheon, counter-puncheon, matrix, stamp, die, pattern or mould in or upon which there is made or impressed, or which will make or impress, or which is adapted and intended to make or impress, the figure, stamp or apparent resemblance of both or either of the sides of any current gold or silver coin, or any part of both or either of those sides, shall be guilty of felony and on conviction thereof liable to penal servitude for life or for any term not less than three years.

(2) Every person who, without lawful authority or excuse (the proof whereof shall lie on the person accused), makes or mends, or begins or proceeds to make or mend, or buys or sells, or has in his possession—

(*a*) any edger, edging or other tool, collar, instrument or engine adapted and intended for the marking of coin round the edges with letters, grainings or other marks or figures apparently resembling those on the edges of any current gold or silver coin, knowing it to be so adapted and intended as aforesaid; or

(*b*) any press for coinage, or any cutting engine for cutting by force of a screw or of any other contrivance round blanks out of gold, silver or other metal or mixture of metals, or any other machine, knowing the press to be a press for coinage or knowing the engine or machine to have been used or to be intended to be used for the false making or counterfeiting of any current gold or silver coin;

shall be guilty of felony and on conviction thereof liable to penal servitude for life or for any term not less than three years.

(3) Every person who, without lawful authority or excuse (the proof whereof shall lie on the person accused), knowingly makes or mends, or begins or proceeds to make or mend, or buys or sells, or has in his possession, any instrument, tool or engine adapted and intended for the counterfeiting of any current copper coin, shall be guilty of felony and on conviction thereof liable to penal servitude for a term not exceeding seven years or less than three years.

Conveying coining implements, coin or bullion out of the Mint.

10.—(1) Every person who, without lawful authority or excuse (the proof whereof shall lie on the person accused), knowingly conveys out of any of His Majesty's Mints—

(*a*) any coining implement or any useful part thereof; or

(*b*) any coin, bullion, metal or mixture of metals;

shall be guilty of felony and on conviction thereof liable to penal servitude for life or for any term not less than three years.

(2) In this section the expression " any coining implement " means any puncheon, counter-puncheon, matrix, stamp, die, pattern, mould, edger, edging or other tool, collar, instrument, press or engine used or employed in or about the coining of coin.

Provisions as to arrest, discovery and seizure.

11.—(1) Any person found committing an offence against this Act, other than an offence against section eight thereof, may be immediately apprehended without a warrant by any person and forthwith taken before a justice of the peace to be dealt with according to law.

(2) If any person finds in any place whatsoever, or in the possession of any person without lawful authority or excuse—

(*a*) any false or counterfeit coin resembling any current coin (in this section referred to as a " counterfeit coin "); or (*b*) any instrument, tool or engine whatsoever adapted and intended for the counterfeiting of any such coin (in this section referred to as a "counterfeiting instrument"); or

(*c*) any filings or clippings, or any gold or silver bullion, or any gold or silver in dust solution or otherwise, which have been produced or obtained by diminishing or lightening any current gold or silver coin (in this section referred to as "counterfeiting material");

he shall seize the counterfeit coin or counterfeiting instrument or material and carry it forthwith before a justice of the peace.

(3) Where it is made to appear by information on oath before any justice of the peace that there is reasonable cause to suspect that any person has been concerned in counterfeiting any current coin, or has in his possession any counterfeit coin or any counterfeiting instrument or any other machine used or intended to be used for making or counterfeiting any current coin (in this section referred to as a "counterfeiting machine") or any counterfeiting material, it shall be lawful for any justice of the peace, by warrant under his hand—

(*a*) to cause any place whatsoever belonging to or in the occupation or under the control of that person to be searched, either in the day or in the night; and

(*b*) to cause to be seized and carried forthwith before a justice of the peace any counterfeit coin or counterfeiting instrument, machine or material found in any place so searched.

(4) Where any counterfeit coin or counterfeiting instrument, machine or material is seized and carried before a justice of the peace, he shall, if necessary, cause it to be secured for the purpose of being produced in evidence in a prosecution for an offence against this Act.

(5) Any counterfeit coin or counterfeiting instrument, machine or material seized under this section shall, if it is not required to be produced in evidence or, if it is so required, after it has been so produced, be delivered up forthwith to the officers of His Majesty's Mint or the

Solicitor to the Treasury, or to any person authorised by them to receive it.

Power to fine and require sureties in addition to other punishment.

12.—(1) On conviction of a felony punishable under this Act the court, in addition to imposing a sentence of penal servitude or imprisonment, may require the offender to enter into his own recognizances, with or without sureties, for keeping the peace and being of good behaviour.

(2) On conviction of a misdemeanour punishable under this Act, the court instead of, or in addition to, any other punishment which may be lawfully imposed—

(*a*) may fine the offender; and

(*b*) may require him to enter into his own recognizances with or without sureties for keeping the peace and being of good behaviour.

(3) No person shall be imprisoned for more than one year for not finding sureties under this section:

Provided that the provisions of this subsection shall not apply in the case of a conviction of a misdemeanour punishable under section eight of this Act.

(4) In the application of this section to Scotland, references to entering into recognizances or to finding sureties shall be construed as references to finding caution, and subsection (2) in so far as it empowers a court to impose a fine or to require an offender to find caution, in addition to imprisonment, shall not apply as regards a conviction under section eight of this Act.

Evidence of coin being counterfeit.

13. Where a person is charged with an offence against this Act, the fact that a coin produced in evidence against him is false or counterfeit may be proved by the evidence of any credible witness, and it shall not be necessary to prove that fact by the evidence of an officer of His Majesty's Mint.

Breaking of coin suspected to be counterfeit.

14.—(1) If any person suspects any coin tendered to him as current gold or silver coin to have been diminished otherwise than by reasonable wearing, or to be counterfeit, it shall be lawful for him to break the coin.

(2) If any coin when so broken appears to have been diminished otherwise than as aforesaid, or to be counterfeit, the person tendering it shall bear the loss thereof, but if it is of due weight and appears to be lawful coin, the person breaking it shall receive it at the rate it was coined for.

(3) If any dispute arises whether any coin so broken has been diminished otherwise than as aforesaid, or is counterfeit, it shall be heard and finally determined in a summary manner by a justice of the peace.

(4) In this section references to breaking shall include references to cutting, bending and defacing.

Provisions as to Scotland.

15.—(1) The following provisions of this section shall have effect in Scotland.

(2) All proceedings by this Act made competent before, and all powers conferred by this Act upon, any justice or justices shall be competent before and may be exercised by any sheriff, magistrate or justice of the peace.

(3) Where two or more persons, acting in concert in different counties or jurisdictions, commit any offence against this Act (other than an offence against section eight thereof), they may be dealt with, indicted, tried and punished, and the offence may be laid and charged to have been committed, in any one of those counties or jurisdictions, in the same manner in all respects as if the offence had been actually and wholly committed within that county or jurisdiction.

(4) Where any offence against this Act (other than an offence against section eight thereof) is committed at sea and the vessel in which it has been committed is registered in Scotland, or touches at any part thereof, the Courts of Criminal Law of Scotland may inquire into, try and determine the offence in the same manner as if it had been committed in Scotland:

Provided that nothing in this subsection shall alter or affect any of the laws relating to the government of His Majesty's land or naval forces.

Provisions as to Northern Ireland.

16.—(1) The following provisions of this section shall have effect in Northern Ireland.

(2) No warrant of commitment for an offence against this Act (other than an offence against section

eight thereof) shall be held void by reason of any defect therein, if it is alleged therein that the person to whom it relates has been convicted and there is a valid conviction to sustain it.

(3) In any case where—

(*a*) a person tenders, utters or puts off any false or counterfeit coin in one county or jurisdiction and also tenders, utters or puts off any other false or counterfeit coin in any other county or jurisdiction, either on the day of the first-mentioned tendering, uttering or putting off or within the period of ten days next following; or

(*b*) two or more persons, acting in concert in different counties or jurisdictions, commit any offence against this Act (other than an offence against section eight thereof);

every such offender may be dealt with, indicted, tried and punished, and the offence may be laid and charged to have been committed, in any one of the said counties or jurisdictions in the same manner in all respects as if it had been actually and wholly committed within that county or jurisdiction.

(4) All indictable offences against this Act (other than an offence against section eight thereof) committed within the jurisdiction of the Admiralty shall be deemed to be offences of the same nature and liable to the same punishments as if they had been committed upon the land, and may be dealt with, inquired into, tried and determined in any county or place in which the offender is apprehended or in custody in the same manner in all respects as if it had been actually committed in that county or place:

Provided that nothing in this subsection shall alter or affect any of the laws relating to the government of His Majesty's land or naval forces.

(5) In any indictment for any offence mentioned in the last foregoing subsection or for being accessory to any such offence, the venue in the margin shall be the same as if the offence had been committed in the county or place in which the indictment is presented, and the offence itself shall be averred to have been committed "on the high seas."

Interpretation.

17. For the purposes of this Act—

(*a*) the expression "copper coin" includes any coin of any metal or mixed metal not being a gold or silver coin;

(*b*) a coin shall be deemed to be current if it has been coined in any of His Majesty's Mints, or is lawfully current, by virtue of any Proclamation or otherwise, in any part of His Majesty's dominions, whether within the United Kingdom or otherwise, or is lawfully current in any foreign country;

(*c*) a coin apparently intended to resemble or pass for any current coin shall be deemed to resemble that current coin;

(*d*) a current coin which has been gilt, silvered, washed, coloured or cased over or in any manner altered so as to resemble any current coin of a higher denomination shall be deemed to be a false or counterfeit coin resembling a current gold or silver coin;

(*e*) a thing shall be deemed to be in the possession of any person, if he himself has it in his personal custody or possession, and also if he knowingly and wilfully has it in the actual custody or possession of some other person, or in some building or place (whether belonging to or occupied by himself or not), and whether he has it for his own use or benefit or for that of any other person.

Short title, repeal and commencement.

18.—(1) This Act may be cited as the Coinage Offences Act, 1936.

(2) The enactments set out in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

(3) This Act shall come into operation on the first day of August, nineteen hundred and thirty-six.

SCHEDULE.

Section 18.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
24 & 25 Vict. c. 99.	The Coinage Offences Act, 1861	The whole Act.
46 & 47 Vict. c. 45.	The Counterfeit Medal Act, 1883	The whole Act.
25 & 26 Geo. 5. c. 25.	The Counterfeit Currency (Convention) Act, 1935.	Subsections (1), (2) and (3) of section three, subsection (3) of section six and Parts I and II of the Schedule.

CHAPTER 17.

An Act to empower voluntary hospitals in pursuance of Orders of the Charity Commissioners to provide accommodation and treatment for paying patients. [21st May 1936.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Definitions.

1. In this Act unless the context otherwise requires—

"voluntary hospital" means an institution (not being an institution which is carried on for profit or which is maintained wholly or mainly at the expense of the rates) which provides medical or surgical treatment for in-patients;

"committee of management" includes any body or persons having the management or control of a voluntary hospital;

"Order" means an Order made by the Charity Commissioners for any of the purposes specified in subsection (1) of section two of this Act.

Accommodation for and charges to paying patients.

2.—(1) Notwithstanding the trusts express or implied upon which the property and funds of a voluntary hospital are held, and notwithstanding any prohibition or restriction imposed by or under any local Act, being an Act relating expressly to the hospital, charter, scheme, deed, will, or otherwise, not being a prohibition or restriction imposed by a public general Act or by any local Act not so relating, the committee of management may provide and maintain on such land from time to time belonging to them such new buildings or such existing buildings of the hospital, or such parts of such new or existing buildings and such and so many beds therein and for such period as the Charity Commissioners may on the application of the committee of management from time to time by Order authorise, for the accommodation and treatment of patients who are able and willing to make payment therefor.

(2) The committee of management may charge such patients as aforesaid for accommodation and maintenance (including such medical and surgical attendance and treatment as is given by the resident staff of the hospital) in accordance with such scale of charges as may be specified in an Order.

(3) An Order may include any consequential or incidental provisions appearing to the Charity Commissioners to be necessary or desirable.

(4) The Charity Commissioners may, from time to time on the application of the committee of management, vary an Order, and, if in the opinion of the Commissioners there has been any material change in the circumstances existing at the time when an Order was made, they may, after giving to the committee of management and to any other persons appearing to the Commissioners to be concerned an opportunity of making representations, of their own motion vary or revoke the Order.

Provision for patients able to make some, but not full, payment.

3.—(1) Except where the Charity Commissioners are satisfied that it would be inappropriate in the circumstances so to do, they shall include in the scale of charges specified in an Order charges fixed with a view to meeting the needs of patients who, though able to make some payment, are unable to pay charges sufficient to meet the full expense to the hospital of their accommodation and maintenance (including such medical and surgical attendance and treatment as is given by the resident staff of the hospital), and shall make it a condition of the Order that in the use of a number to be specified therein of the beds whose maintenance is authorised thereby priority shall be given to such patients.

(2) An Order may, in cases where the committee of management have not the power so to do apart from an Order, authorise them to defray out of any funds applicable to the general purposes of the hospital the difference between the full expense to the hospital of the accommodation and maintenance (including such medical and surgical attendance and treatment as is given by the resident staff of the hospital) of such patients as aforesaid on the one hand, and the sums with which those patients are charged under the authority of the Order on the other hand.

Provisions for protection of existing trusts.

4. The Charity Commissioners shall not make an Order authorising any use or application of property or funds which, apart from the Order, would involve a breach of any trusts upon which the property or funds are held or a contravention of any prohibition or restriction imposed as mentioned in section two of this Act—

(*a*) on an application for authority to use land, unless they are satisfied that if the Order were not made the land would not come into use for the purposes for which the trusts were created or the prohibition or restriction was imposed, until after the expiration of a substantial period from the date of the application;

(*b*) on an application for authority to use existing buildings or part of existing buildings, unless they are satisfied either—

(i) that the use of the buildings or part thereof for the purposes for which the trusts were created or the prohibition or restriction was imposed is impracticable, or is likely soon so to become, because the committee of management have not at their disposal, and will be unable to obtain, sufficient funds to enable the buildings or that part thereof to be, or to continue to be, so used;

(ii) that the use of the buildings or part thereof for the purposes aforesaid is impracticable, or is likely soon so to become because of a shortage of demand for accommodation on the part of the persons for whose benefit the trusts were created or the prohibition or restriction was imposed; or

(iii) that the committee of management have, or are likely soon to have, at their disposal premises which could be put to the use to which the application relates without breach of any trust upon which those premises are held or contravention of any such prohibition or restriction as aforesaid and that the buildings or part thereof will be used by way of exchange for those premises;

(*c*) in any case, unless they are satisfied that the authorisation will not diminish or restrict the accommodation for such persons as aforesaid which is provided in the hospital at the date of the application for the Order and which the committee of management would be able to continue to provide if the Order were not made.

Power to Charity Commissioners to make rules.

5.—(1) The Charity Commissioners may make rules in relation to applications for Orders and proceedings in connection therewith, and to the publication of notices and advertisements and the manner in which and the time within which representations or objections with reference to any application or other proceedings are to be made, and to the holding of inquiries in such cases as they may think advisable and to any other matters arising under or in pursuance of this Act.

(2) Any rules made in pursuance of this section shall be laid before Parliament as soon as may be after they are made.

(3) The Charity Commissioners may require such sum as they may determine to represent costs or expenses incurred by them in the exercise of the powers conferred upon them by this Act (including a sum in respect of the services of an officer engaged in an inquiry) to be provided out of any funds, being funds under the control of the committee of management of the hospital in relation to which the expenses are incurred, whether representing

capital or income, which in the opinion of the Charity Commissioners may properly be made applicable for that purpose.

Savings.

6.—(1) Nothing in this Act shall be construed as limiting or restricting the exercise by the committee of management of any power which apart from this Act they would have been entitled to exercise.

(2) The powers conferred on the Charity Commissioners by this Act shall be in addition to and not in derogation of any other powers exercisable by them.

(3) Except to the extent of an application of funds authorised under subsection (2) of section three of this Act, an Order shall not be construed as authorising any application of funds.

Short title and extent.

7.—(1) This Act may be cited as the Voluntary Hospitals (Paying Patients) Act, 1936.

(2) This Act shall not apply to Scotland or to Northern Ireland.

CHAPTER 18.

An Act to provide for the establishment of a Sugar Commission; for the amalgamation into a single corporation of companies manufacturing sugar from home-grown beet; for granting financial assistance to that corporation and to the companies aforesaid; and otherwise for the reorganization of the sugar industry.

[21st May 1936.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Establishment of the Sugar Commission.

Constitution of Sugar Commission.

1.—(1) There shall be constituted a commission to be called "the Sugar Commission" (hereinafter referred to as "the Commission") who shall be charged with the duties of keeping under review the growing of sugar beet, and the manufacture, refining, marketing, and consumption of sugar in the United Kingdom, and of advising and assisting the Minister and the Treasury in such matters relating to the sugar industry as he or they may require of them, and of exercising such other functions as are imposed upon them by or under this Act or by any agreement approved thereunder by the Minister.

(2) The Commission shall consist of a chairman and not more than four other commissioners appointed by the Minister with the consent of the Treasury, and, subject to the provisions of this section, each of the commissioners shall hold and vacate office in accordance with the terms of the instrument appointing him.

(3) No member of the Commission shall be capable of being elected to or of sitting in the House of Commons.

(4) No person shall be appointed to be a commissioner if, within the last five years before the appointment is made, he has been engaged in carrying on the business of manufacturing or refining sugar, or been a director, officer, or servant of any undertaking carrying on either of those businesses.

(5) A commissioner shall within three months after his appointment sell or dispose of any interest or securities which he may hold in his own name, or in the name of a nominee, for his own benefit in any undertaking carrying on the business of growing sugar beet or sugar cane or of manufacturing or refining sugar; and it shall not be lawful for a commissioner while he holds office to acquire for his own benefit any interest or securities in any such undertaking, and if a commissioner, under any will or succession or otherwise becomes entitled for his own benefit to any interest or securities in any such undertaking, he shall sell or dispose of it or them within three months after he has so become entitled thereto:

Provided that, if a commissioner satisfies the Minister that any interest in any such undertaking as aforesaid which the commissioner holds, or proposes to acquire, or to which he has become entitled, is so remote or otherwise of such a nature that the holding thereof will not affect him in the exercise of his functions as a commissioner, the Minister may direct in writing that he be excused from compliance with the provisions of this subsection as respects that interest.

(6) If a commissioner becomes disqualified for holding office or, without being so excused as aforesaid, fails to comply with the provisions of the last foregoing subsection, the Minister shall forthwith declare his office to be vacant and shall notify the fact in such manner as he thinks fit and thereupon the office shall become vacant.

Staff, expenses, and procedure, of Commission.

2.—(1) The Minister may appoint a secretary to the Commission, and the Commission may appoint such other officers and such servants as the Minister may, with the consent of the Treasury, determine; and the Commission from time to time may employ such technical and professional agents, and may constitute such advisory committees, as they consider necessary or desirable for the discharge of their functions under this Act.

(2) There shall be paid to the commissioners and to the officers and servants of the Commission such salaries and allowances, and to any agents employed by the Commission such remuneration, and to the members of any advisory committee constituted by the Commission such travelling or other allowances, as the Minister may, with the consent of the Treasury, determine.

(3) The expenses of the Commission, to such an amount as may be approved by the Treasury (including salaries, allowances, and remuneration payable under the last foregoing subsection), shall be paid by the Minister as part of his expenses under this Act.

(4) Every document purporting to be an instrument issued by the Commission and to be signed by the secretary or any person authorised to act in that behalf, shall be received in evidence and be deemed to be such an instrument without further proof, unless the contrary is shown.

(5) The Commission shall, subject to any rules made under this Act, have power to regulate their own procedure (including the determination of the number necessary to form a quorum) and may act notwithstanding a vacancy in their number:

Provided that the procedure of the Commission shall be such as to secure due consideration of any representations made to the Commission by persons appearing to them to represent interests concerned in the growing of sugar beet, or the manufacture, refining, marketing, or consumption of sugar, in the United Kingdom, or in other matters relating to the sugar industry.

(6) The Commission may hold such inquiries as they consider necessary or desirable for the discharge of their functions under this Act; and if the Minister is satisfied that for the purposes of an inquiry into any definite matter it is necessary so to do, he may by order, specifying the matter to be inquired into, direct that in respect of any meeting of the Commission at which not less than three of the commissioners are present for the purpose of inquiring into that matter, the Tribunals of Inquiry (Evidence) Act, 1921, shall apply to the Commission as if they were a tribunal established in manner provided by that Act and as if that Act had been applied to them in the manner thereby provided:

11 & 12 Geo. 5. c. 7.

Provided that—

(*a*) that Act in its application to the Commission shall have effect as if for paragraph (*a*) of section two thereof there were substituted the following paragraph—

> "(*a*) may refuse to allow the public or any portion of the public to be present at any of the proceedings of the Commission only if in the opinion of the Commission it is necessary so to do for reasons connected with the subject matter of the inquiry or the nature of the evidence to be given:"

(*b*) any order made under this subsection shall be laid before Parliament as soon as may be after it is made and if either House within the next subsequent twenty-eight days on which that House has sat after any such order is laid before it resolves that the order be annulled it shall forthwith be void, but without prejudice to anything previously done thereunder or to the making of a new order.

Reorganization of British Sugar Industry.

Amalgamation of existing factories into British

3.—(1) The companies specified in the first column of Part I of the First Schedule to this Act (hereinafter referred to as "the transferor companies") shall, in accordance with arrangements approved by the Minister with the consent of the Treasury, be amalgamated into a company limited by shares and registered under the Companies Act, 1929, to be formed, with the like approval and consent, for that purpose, by the name of the British Sugar Corporation Limited (hereinafter referred to as "the Corporation"), and, in accordance with such arrangements, the undertakings carried on by the transferor companies at the factories specified in the second column of the said Part of the said Schedule, and such property and liabilities of those companies as may be provided for by the arrangements shall be transferred to the Corporation.

Sugar Corporation Limited. 19 & 20 Geo. 5. c. 23.

(2) If at the expiration of one month after the passing of this Act the transferor companies have not been so amalgamated and the said undertakings, property and liabilities so transferred as aforesaid by agreement, the Minister shall, unless he is satisfied that the amalgamation and transfer will be completed with all reasonable dispatch, require the Commission to make and submit to him schemes for the amalgamation and transfer thereof, and any such scheme when confirmed by an order of the Minister made with the consent of the Treasury, shall come into force on such date as may be specified in the order. The provisions set out in Part II of the First Schedule to this Act shall have effect with respect to the preparation, contents, making, confirmation and effect of any such scheme.

(3) No arrangements or scheme shall be approved or confirmed under this section unless the arrangements or scheme make such provision as appears to the Minister and the Treasury to be expedient for securing that the affairs of the Corporation will be conducted with due regard to the public interest and to the efficient manufacture in Great Britain of sugar from home-grown beet and to the efficient marketing of such sugar; and after such approval or confirmation as aforesaid neither the memorandum nor articles of association of the Corporation shall be altered without the approval of the Minister given with the consent of the Treasury.

(4) Any action taken for the purposes of, or in connection with, the transfer to the Corporation of the undertaking, or of any property or liabilities, of a transferor company, in pursuance of arrangements approved or of a scheme confirmed under this section, shall be

deemed to be within the powers of the company, and no such action shall give rise to a right on the part of the holders of any debentures or other securities of a transferor company, or of any persons on their behalf, to enforce the security.

(5) Where by any arrangements approved or scheme confirmed under this section provision is made for the substitution of any securities of the Corporation for securities of a transferor company, any trustee or other person acting in a fiduciary capacity who at the date of the formation of the Corporation held and was entitled to hold any securities of the transferor company shall be entitled to hold the securities of the Corporation which may be substituted therefor.

Power of Treasury to guarantee debentures of Corporation.

4.—(1) If the Treasury are satisfied that any debentures proposed to be issued by the Corporation are to be issued for the purpose of providing working capital for the Corporation, the Treasury may guarantee in such manner and on such conditions as they think fit the payment of the principal of and the interest on the debentures so issued:

Provided that the amount of the principal of the debentures to be so guaranteed shall not in the aggregate exceed an amount sufficient to raise one million pounds.

(2) Any sums required by the Treasury for fulfilling any guarantee given under this Act shall be charged on and issued out of the Consolidated Fund of the United Kingdom or the growing produce thereof, and any sums received by way of repayment of any sums so issued shall be paid into the Exchequer.

(3) As soon as may be after any guarantee is given under this Act, the Treasury shall lay a statement of the guarantee before both Houses of Parliament.

(4) If any sum is issued under this Act out of the Consolidated Fund of the United Kingdom or the growing produce thereof, the Treasury shall, as soon as may be after the end of the financial year in which the first sum is so issued, lay before both Houses of Parliament an account of all sums at any time so issued and of all sums at any time received by way of repayment of any sums so issued, and a similar account shall be laid in like manner in every subsequent year unless it is shown by the account laid in the preceding year that all sums so issued have been repaid.

Functions of Corporation as to purchase of home-grown beet.

5.—(1) Subject to the provisions of this section it shall be the duty of the Corporation to enter into contracts for the purchase by the Corporation of home-grown beet upon such terms and conditions as may be determined by an agreement made, after consultation with the Commission, between the Corporation and a Sugar Beet Marketing Board, or, where there is no such board, any body which in the opinion of the Commission is substantially representative of the growers of home-grown beet or, where there is no such agreement, upon such terms and conditions as may be determined by an order made by the Commission:

Provided that, with a view to securing that the quantity of sugar manufactured by the Corporation in Great Britain from home-grown beet received by it in every year will be, as nearly as may be, the standard quantity, the Commission shall for every year determine the acreage of land in respect of the produce of which such contracts as aforesaid may be entered into by the Corporation for delivery in that year, and the Corporation shall not enter into such contracts in respect of beet grown for delivery in that year on more than that acreage.

(2) With a view to securing that the acreage in respect of which such contracts as aforesaid may be entered into by the Corporation for delivery in any year is not exceeded, provision for the determination from time to time of the quantity of home-grown beet that may be acquired from any person by the Corporation shall be made with the approval of the Commission; and such provision as aforesaid shall be made either by a scheme under the Agricultural Marketing Acts, 1931 to 1933, limiting the quantity of home-grown beet that may be sold by any person to the Corporation, or by arrangements made by the Corporation limiting the quantity of home-grown beet that may be purchased by the Corporation from any person.

(3) Any contracts for the purchase by the Corporation of home-grown beet entered into as respects the year beginning on the first day of April, nineteen hundred and thirty-six—

(*a*) shall comply with the provisions as to prices contained in the Second Schedule to this Act; and (*b*) if entered into upon terms and conditions determined in a manner approved, whether before or after the passing of this Act, by the Minister, shall be deemed to have been entered into in accordance with the provisions of this section and shall have effect as if they had been entered into in accordance with determinations made by or with the approval of the Commission.

Functions of Corporation as to production and marketing of white sugar.

6.—(1) It shall be the duty of the Corporation to submit to the Commission not less than one month before the end of every year proposals in a form approved by the Commission showing the arrangements proposed as to the production and marketing by the Corporation of white sugar during the year next following, and the Commission shall by order approve the arrangements with such modifications, if any, as the Commission, after consultation with the Corporation consider necessary in the public interest.

(2) Any order of the Commission approving such arrangements as aforesaid for any year, may at any time during the year be varied by any subsequent order made by them after consultation with, or upon representations made by, the Corporation.

Registration of refiners of sugar.

7.—(1) It shall be the duty of the Commission to keep a register of refiners of sugar and to enter therein the name and address of every refiner of sugar.

(2) If, after compliance with the provisions of this section as to notice and the hearing of objections, the Commission are satisfied that any refiner of sugar is not registered under this section they shall enter his name and address in the register.

(3) If, after compliance with the provisions of this section as to notice and the hearing of objections, the Commission are satisfied that any person registered under this section has ceased to be a refiner of sugar, they shall remove his name and address from the register.

(4) If as a result of representations made to the Commission it appears to them—

(*a*) that any person being a refiner of sugar is not registered under this section; or

(*b*) that any person registered under this section has ceased to be a refiner of sugar;

the Commission shall (except where the representations were made by that person) serve on him a notice of their intention to enter his name and address in the register, or to remove his name and address therefrom, as the case may be, unless within such period as may be specified in the notice (not being less than fourteen days nor more than twenty-eight days after service thereof) notice of his objection is served on the Commission, and if any such notice of objection is duly served on the Commission, they shall, before deciding the matter, give the objector an opportunity of being heard.

(5) If any person makes application to the Commission, for the entry of his name and address in the register, or for the removal thereof from the register upon the ground that he has ceased to be a refiner of sugar, the Commission shall, before deciding the matter, give him an opportunity of being heard.

(6) The Commission shall serve notice of every decision made by them under this section upon the person affected by the decision, and if any such person is aggrieved by a decision of the Commission, he may, within such time after service upon him of notice thereof as may be limited by rules of court, appeal to the High Court and the decision of that Court shall be final.

(7) The register kept under this section shall be open for inspection at the office of the Commission during office hours and any person shall be entitled on payment of a fee of one shilling to be supplied with a certificate issued by the Commission and signed by the secretary of the Commission or by any other officer of the Commission duly authorised to act in that behalf, certifying that the person named therein is or is not a registered refiner, and, in the case of a person who is or was a registered refiner, specifying the date on which he became or ceased to be registered and any such certificate shall be evidence of the facts therein stated.

Sugar Refining Agreement.

8.—(1) As soon as may be after the completion of an agreement made between the Corporation and any other refiners of sugar providing for the matters set out in the Third Schedule to this Act, it shall be the duty of the Corporation to submit the agreement to the Minister for his approval, and the agreement when approved by an order of the Minister made after consultation with the Commission and with the consent of the Treasury shall have effect notwithstanding any rule of law relating to agreements in restraint of trade.

(2) After the expiration of three months from the date of the passing of this Act, no such agreement as aforesaid shall be of any effect unless it has been approved by such an order as aforesaid.

(3) Any Order made under this section shall be laid before Parliament as soon as may be after it is made, together with a copy of the agreement thereby approved.

Schemes as to Sugar Refining Agreements.

9.—(1) As soon as may be after any Sugar Refining Agreement has been approved under the last foregoing section, the Commission shall after consultation with all registered refiners make and submit to the Minister a scheme providing for the assessment of contributions to be made by all registered refiners other than the Corporation, whether parties to the agreement or not, in such manner as to apportion between them the liability to make (whether before or after the coming into force of the scheme) all or any of the payments to be made to the Corporation under the agreement, and providing for the payment of such contributions to the Corporation in satisfaction of sums payable under the agreement.

(2) The Commission may, after consultation with all registered refiners, at any time make and submit to the Minister a scheme apportioning among registered refiners or any of them, whether parties to the agreement or not, any liability, other than that mentioned in the last foregoing subsection, arising under any Sugar Refining Agreement, and any such scheme shall provide for the reference of disputes arising in connection therewith to one or more arbitrators appointed in such manner as may be provided by the scheme.

Financial Provisions.

Assistance to British Sugar Corporation.

10.—(1) Subject to the provisions of this Act, and to the satisfaction of such requirements as to proof and otherwise as may be prescribed by rules made under this Act, there shall, out of moneys provided by Parliament, be paid to the Corporation in respect of every hundredweight of sugar manufactured by the Corporation in Great Britain on and after the first day of

September, nineteen hundred and thirty-six, from home-grown beet, assistance at the effective rates for the time being in force under this Act :

Provided that assistance shall not be paid under this Act in respect of a greater quantity of sugar manufactured from home-grown beet received by the Corporation in any year than the standard quantity; and if a greater quantity of sugar is manufactured by the Corporation in Great Britain from home-grown beet received by the Corporation in any year, assistance shall be paid in respect of the earliest sugar so manufactured.

(2) The amount of the assistance payable to the Corporation shall be calculated in respect of the amount of sugar manufactured by the Corporation from home-grown beet received by it in each year, but payments on account calculated in accordance with rules made under this Act in respect of the sugar so manufactured in each week shall be made from time to time.

Conditions for receipt of assistance.

11.—(1) Assistance shall not be payable under the last foregoing section in respect of any sugar unless it is shown to the satisfaction of the Minister—

(*a*) that the price paid or agreed to be paid by the Corporation for the beet from which the sugar was manufactured was not less than such minimum price as may have been provided as respects that beet by the contracts entered into in accordance with the provisions of subsection (1) of section five of this Act;

(*b*) that the arrangements approved by the Commission under this Act with respect to the production and marketing of white sugar by the Corporation are complied with;

(*c*) that no equipment, machinery, plant, material or other article not wholly manufactured in the United Kingdom, has, in contravention of any order of the Commission made under this section, been installed or used in the factory in which the sugar was manufactured.

(2) For the purposes of paragraph (*c*) of the last foregoing subsection, the Commission may, by order, prohibit the installation or use without their consent of all or any class or description of equipment, machinery, plant, material or other article not wholly manufactured in the United Kingdom, and any such order may be

revoked or varied by any subsequent order made by the Commission.

Duty of Corporation as to reserves.

12.—(1) The Corporation shall comply with any directions given by the Minister with the consent of the Treasury as to the placing to reserves, kept for the purpose of providing pensions for persons employed by the Corporation, or of meeting contingencies, or of equalising dividends, of such portion of the profits earned by the Corporation in any year as may be specified in the directions, and shall in accordance with directions given in like manner, in any year in which assistance is paid under this Act, place to a depreciation reserve, kept for the purpose of meeting the cost of the renewal of premises, equipment, machinery, and plant, of the Corporation, an amount not less than that determined by order of the Minister made after consultation with the Commission and with the consent of the Treasury.

(2) Where directions given by the Minister under this section require the investment of any sums placed to reserve, the Corporation shall comply with any requirements specified in the directions as to the manner in which such sums are to be invested.

Power of Minister to withhold assistance.

13. If it appears to the Minister, after consultation with the Commission, that the Corporation has contravened any provisions of this Act or of any rules made thereunder, he may withhold payment of any assistance payable to the Corporation until he is satisfied that the provision has been complied with, or, where compliance with the provision will not make good any default or deficiency arising by reason of the contravention, that the default or deficiency has been or will be made good as far as possible.

Calculation of effective rates of assistance.

14.—(1) For the purpose of enabling the effective rate of assistance in force in respect of sugar of any polarisation to be calculated in accordance with the provisions of this section, the Minister shall annually, after consultation with the Commission and with the consent of the Treasury, by order prescribe for every year a rate per hundredweight (hereinafter referred to as "the prescribed rate") in respect of white sugar, and that rate shall be determined upon the basis that the standard conditions specified in paragraph two of the Fourth Schedule to this Act will exist throughout the year:

Provided that the prescribed rate for the year beginning on the first day of April, nineteen hundred and thirty-six, shall be five shillings and threepence.

(2) The standard rate of assistance in respect of sugar manufactured in any year shall in the case of white sugar, and, unless the order prescribing the prescribed rate for the year otherwise directs, in the case of sugar of a polarisation exceeding ninety-eight degrees but not exceeding ninety-nine degrees, be the prescribed rate; and the standard rate of assistance in the case of sugar of any lower polarisation shall be a rate per hundredweight bearing the appropriate proportion to the prescribed rate.

(3) The effective rate of assistance in force under this Act in respect of sugar of any polarisation shall be the standard rate in the case of that sugar adjusted in respect of variations from the said standard conditions in accordance with the provisions of paragraph three of the Fourth Schedule to this Act.

(4) With a view to encouraging the Corporation to effect all practicable economies and to attain the highest practicable standard of efficiency in the business carried on by it the Minister may, after consultation with the Commission, and with the consent of the Treasury, enter into agreements with the Corporation for securing that, during such period as may be specified in any such agreement, the prescribed rates will be calculated in accordance with the provisions of the agreement so as to permit such proportion of the saving in the cost of assistance attributable to economies effected, and improved standards of efficiency attained, by the Corporation as may be determined by the agreement to enure for the benefit of the Corporation:

Provided that as soon as may be after making any such agreement the Minister shall lay a copy thereof before Parliament and if either House of Parliament within the next subsequent twenty-eight days on which that House has sat after the copy has been laid before it resolves that the agreement be annulled, the agreement shall forthwith be void, but without prejudice to the making of any new agreement.

(5) The following provisions shall have effect with respect to orders made under this section determining the prescribed rate for any year:—

(*a*) the prescribed rate shall, subject to the provisions of any agreement made under the last foregoing subsection, be determined as if, having regard to the time that has elapsed since the amalgamation of the transferor companies into the Corporation, all practicable economics resulting from that amalgamation had been effected and as if the highest practicable standard of efficiency in the business carried on by the Corporation had been attained;

(*b*) the prescribed rate shall, subject to the provisions of any agreement made under the last foregoing subsection, be such as will, in the opinion of the Treasury, be sufficient to encourage the Corporation to continue to effect all practicable economies and attain the highest practicable standard of efficiency in the business carried on by it, and shall be such as will, in the opinion of the Treasury, be sufficient to enable the Corporation (after complying with the directions of the Minister as to reserves and making such provision, if any, as may be necessary for any other matter approved by the Treasury) to earn profits equivalent to such rates of interest as the Treasury consider reasonable, having regard to the circumstances existing when the order is made;

(*c*) every such order shall specify the minimum sum to be placed by the Corporation to a depreciation reserve in accordance with the provisions of this Act;

(*d*) every such order shall specify an estimate of the average raw sugar price and of the maximum quota income for the year;

(*e*) if, during the year, a Sugar Refining Agreement or any provision thereof ceases to be in force, or any alteration is made in the terms thereof, the order may be revoked by a subsequent order of the Minister made after consultation with the Commission and with the consent of the Treasury, and such a subsequent order may determine the prescribed rate for the remainder of the year;

(*f*) every such order shall be laid before Parliament as soon as may be after it is made and shall come into operation on such date as may be specified in the order.

Supplementary payments in respect of poor crops.

15.—(1) If by reason of poverty of the crop of home-grown beet in any year due to adverse farming conditions the quantity of white sugar equal to the quantity of sugar manufactured by the Corporation in Great Britain from such beet received by it in that year falls short of the standard quantity, then, subject to the satisfaction of such requirements as to proof and otherwise as may be prescribed by rules made under this Act, there shall, out of moneys provided by Parliament, be made to the Corporation a supplementary payment of an amount calculated in accordance with the provisions of the Fifth Schedule to this Act.

(2) The amount of the supplementary payment received by the Corporation in respect of any year shall be apportioned by the Corporation with the approval of the Commission among the growers of home-grown beet with whom contracts have been entered into for that year in accordance with the provisions of section five of this Act, in proportion to the sums payable in pursuance of those contracts to each of those persons, and the sum so apportioned to any person shall be recoverable by him from the Corporation summarily as a civil debt.

Allowances in respect of sugar manufactured during the period between 31st August, 1935 and 1st Sept., 1936.

16.—(1) Subject to the satisfaction of such requirements as to proof and otherwise as may be prescribed by rules made under this Act, there shall, out of moneys provided by Parliament, be paid in respect of sugar manufactured during the period between the thirty-first day of August nineteen hundred and thirty-five and the first day of September nineteen hundred and thirty-six, in respect of which subsidy is payable under the British Sugar (Subsidy) Acts, 1925 to 1935, the allowances following, that is to say:—

(*a*) to the Corporation, an allowance of two hundred and forty thousand pounds, in respect of depreciation during that period of the premises, equipment, machinery and plant of the factories transferred to the Corporation under this Act; and

(*b*) to the transferor companies, allowances not exceeding in the aggregate three hundred and fifteen thousand pounds, in respect of interest on capital.

(2) The Corporation shall place to a depreciation reserve, kept for the purpose of meeting the cost of renewal of the premises, equipment, machinery, and plant of the Corporation, an amount equal to the allowance paid to the Corporation under this section.

(3) The aggregate amount of the allowances to be paid under this section to the transferor companies in respect of such sugar as aforesaid shall be distributed among the several companies in such proportions as may be determined by agreement between them with the approval of the Minister or, in default of such agreement, by the Minister; and the sum payable to each company shall be paid after arrangements have been approved, or a scheme confirmed, under this Act, for the amalgamation of the transferor companies into the Corporation.

Duty of Commission to report as to rates of excise duty on sugar produced from home-grown beet.

17.—(1) It shall be the duty of the Commission to consider and report to the Treasury, not later than the thirty-first day of March nineteen hundred and forty-one, whether it is expedient in the public interest that any change should be made in the difference between the rates of excise duty respectively chargeable on white sugar and on sugar of a polarisation exceeding ninety-eight degrees but not exceeding ninety-nine degrees in the case of sugar manufactured from home-grown beet, and if they consider that any such change is expedient their report shall contain a specific recommendation as to the change which, in their opinion, should be made.

(2) In exercising their functions under this section, the Commission shall have regard to the need for avoiding undue dislocation in the sugar industry and in particular in the part of it concerned with the manufacturing, refining and marketing of sugar.

Additional Functions of Sugar Commission as to Reorganization of Sugar Industry.

Schemes as to research and education.

18.—(1) As soon as may be after the passing of this Act the Commission shall, after consultation with the Sugar Beet Marketing Board (or, where there is no such Board, with any body which in the opinion of the Commission is substantially representative of the growers of home-grown beet), and with the Corporation, and with all other registered refiners, make and submit to the Minister and to a Secretary of State a scheme making provision for the encouragement, promotion, and conduct, of research and education in all or any of the following matters, that is to say, matters affecting the growing of home-grown beet, or the manufacturing, refining, marketing, or consumption of sugar.

(2) A scheme made under this section shall, in particular, provide—

(*a*) for the submission to the Minister, and to the Department of Agriculture for Scotland, at least once in each year of a programme for the carrying out of such research and education as aforesaid, and of an estimate of the amount of the expenditure to be incurred in carrying out the programme;

(*b*) for the amount required to defray such estimated expenditure as aforesaid being apportioned by the Commission as between the growers of home-grown beet, the Corporation, and all other registered refiners, having regard to the extent to which, in the opinion of the Commission, the programme relates to their respective interests;

(*c*) for the assessment of the contributions to be made by every grower of home-grown beet, by the Corporation, and by every other registered refiner, towards the payment of the amount of such expenditure as aforesaid and for the collection of such contributions:

Provided that the contributions to be made towards the amount of such expenditure as aforesaid in any year shall not exceed a sum equal—

(i) in the case of any grower of home-grown beet, to one penny for every ton of home-grown beet sold by him for delivery to the Corporation in that year;

(ii) in the case of the Corporation, to sixpence for every quantity of sugar manufactured or refined by the Corporation in that year equal to one ton of white sugar;

(iii) in the case of any other registered refiner, to sixpence for every quantity of sugar refined by him in that year equal to one ton of white sugar.

(3) All contributions paid in accordance with the requirements of a scheme made under this section shall be paid into a research and education fund which shall be under the control of the Commission, and all expenditure certified by the Minister and by the Department of Agriculture for Scotland to have been properly incurred in carrying out any programme approved by the Minister and the said Department under such a scheme (including any expenditure incurred by the Commission or by or on behalf of the Minister, the Secretary of State, or the Department of Agriculture for Scotland) shall be defrayed out of that fund.

(4) As soon as may be after the end of each year the Commission shall cause an account in a form approved by the Minister and the Department of Agriculture for Scotland to be prepared and submitted to the Minister and to the Secretary of State showing the revenue and expenditure of the research and education fund attributable to that year, and that account shall, not later than the thirtieth day of November in the year following that to which it relates, be transmitted to the Comptroller and Auditor General, who shall examine and certify the accounts and lay copies thereof together with his report thereon before Parliament.

(5) In relation to any scheme not extending to Scotland this section shall have effect as if references to the Secretary of State and to the Department of Agriculture for Scotland were omitted therefrom.

Schemes as to licensing of registered refiners.

19.—(1) If at any time the Commission are satisfied that, with a view to the prevention of inefficient or uneconomical refining and marketing of sugar, it is expedient in the public interest (due regard being had to the interests of consumers) that control should be exercised as to the establishments at which the business of refiners of sugar may be carried on, the Commission may, with the concurrence of the Minister given after consultation with the Board of Trade, make and submit to him a scheme (hereinafter referred to as a "licensing scheme") requiring that no person shall carry on business as a refiner of sugar—

(*a*) at any premises in the United Kingdom unless there is in force in respect of those premises a licence (hereinafter referred to as a "refiner's licence") authorising the carrying on of that business at those premises, granted by a licensing authority constituted by the scheme consisting of persons appointed by the Minister; or

(*b*) otherwise than in accordance with any conditions attached to the licence under powers conferred by the scheme.

(2) Any licensing scheme shall provide—

(*a*) for securing that no person shall be appointed to be a member of the licensing authority unless the Minister, after consultation with the Commission, is satisfied that he has no such interest in any undertaking carrying on the business of manufacturing or refining sugar as to affect him in the exercise of his functions as such a member;

(*b*) for the expenses of the licensing authority (including any fees, salaries or allowances payable to the members thereof) being defrayed as part of the expenses of the Commission under the scheme;

(*c*) that the grant of a refiner's licence in respect of any premises at which the business of a refiner of sugar was being carried on at any time within six months before the date on which the scheme was submitted to the Minister shall not be refused before the expiration of such period as may be specified in the scheme, not being less than twelve months nor more than twenty-four months from the date on which the scheme comes into force;

(*d*) that the grant of a refiner's licence in respect of any premises shall not be refused except on such grounds as may be specified in the scheme;

(*e*) for empowering the licensing authority to attach to the grant, renewal, or transfer, of a licence such conditions only as, having regard to any directions given by the Commission, the licensing authority think necessary for promoting the efficient or economical refining or marketing of sugar, and to revoke the licence in the event of any contravention of such conditions;

(*f*) for securing that a refiner of sugar, or a person desirous of carrying on in the United Kingdom the business of a refiner of sugar, who is aggrieved by any act or omission of the licensing authority may appeal to the Commission;

(*g*) for empowering the licensing authority, or on appeal the Commission, to direct the payment of compensation in respect of loss suffered by any person in consequence of any refusal to renew or transfer a licence or in consequence of any conditions attached to such a renewal or transfer, for the assessment of the amount of any such compensation by one or more arbitrators appointed in such manner as may be provided by the scheme, and for the payment of any such compensation as part of the expenses incurred by the Commission under the scheme;

(*h*) for all expenses incurred by the Commission under or in connection with the scheme being defrayed by means of contributions to be made by refiners of sugar, and for the assessment and collection of such contributions;

(*i*) for exempting from all or any of the provisions of the scheme such classes or descriptions of refiners of sugar, if any, or refiners of sugar of such classes or descriptions, if any, as may be specified in the scheme or determined by the Commission;

(*j*) for empowering any person authorised in writing by the Commission in that behalf, on production of his authority, to enter and inspect at any reasonable time any premises specified in the authority, being premises which the Commission have reason to believe to be used for carrying on the business of a refiner of sugar.

Supplementary Provisions as to Schemes.

General provisions as to schemes.

20.—(1) Any scheme made under this Act making provision as to the assessment of contributions to be made thereunder by any person, shall make provision—

(*a*) for securing that any person who is aggrieved by the assessment of his contribution may refer the matter to one or more arbitrators appointed in such manner as may be provided by the scheme; and

(*b*) for the recovery of such contributions from persons by whom they are payable summarily as a civil debt but without prejudice to any other remedy for the recovery thereof.

(2) Any scheme made under this Act may make provision for requiring any person to whom the scheme applies to keep such records and to furnish to the Commission, or to any officer of the Commission duly authorised to require them, such estimates, returns, accounts and other information as the Commission consider necessary for the operation of the scheme, and may make provision for such further matters as they consider necessary for giving effect to, or enforcing, the provisions of the scheme or to be incidental to, or consequential on, the provisions thereof.

(3) The provisions of the Arbitration Acts, 1889 to 1934, shall not apply to any arbitration under any scheme made under this Act except in so far as they may be applied by the scheme, or by rules made under this Act.

(4) Any scheme made under this Act may be amended by a subsequent scheme made, submitted and approved or confirmed, in like manner as the original scheme, and the provisions of this Act as to schemes shall apply accordingly to any such amending scheme, except that an amending scheme need not contain provisions other

than those necessary for amending any former scheme, so, however, that the provisions of this Act relating to the matters which must be contained in any scheme shall apply to the original scheme as amended by any subsequent scheme.

(5) Any person who contravenes any provision of, or having effect under, a scheme in force under this Act, not being a provision for the levying of contributions, shall, if the scheme provides that a contravention of that provision is to be deemed to be an offence, be guilty of an offence under this Act and shall be liable on summary conviction to a fine of such amount as may be specified in the scheme in relation to that offence, not being greater, in the case of a first offence than one hundred pounds, and, in the case of a second or subsequent offence, than five hundred pounds.

This subsection shall have effect in addition to, and not in derogation of, any provision which may be made by a scheme for the enforcement, otherwise than by way of fine, of any provision of, or having effect under, a scheme in force under this Act, not being a provision for the levying of contributions.

(6) Nothing in this section applies to any scheme made under section three of this Act.

Provisions as to the making, approval, and revocation, of licensing schemes.

21.—(1) The following provisions shall have effect in the case of any licensing scheme—

(*a*) after preparing the scheme the Commission shall send a copy thereof to every registered refiner and shall consider any objections or representations with respect thereto made by any registered refiner within twenty-eight days, or such further time as the Commission may allow, after the copy of the scheme was sent to him, and if modifications in the scheme are made by the Commission with a view to meeting any such objections or representations, the Commission shall give notice of the modifications to all registered refiners;

(*b*) before submitting to the Minister the scheme made by them, the Commission shall cause to be given, in such manner as the Minister may direct, public notice that they have made the scheme, and every such notice shall specify the place where the scheme may be inspected and copies thereof obtained, and the price (being a price approved by the Minister) at which such copies will be supplied and of the time (not being less than twenty-eight days after publication of the notice) within which written objections and representations with respect to the scheme may be sent to the Minister;

(*c*) when submitting the scheme to the Minister, the Commission shall transmit to him any objection or representation with respect to the scheme made to them which has not been withdrawn;

(*d*) when the scheme has been submitted to the Minister, he shall consider any objections and representations with respect thereto duly made or transmitted to him, and may, after holding such inquiries (if any) as he thinks fit, make such modifications in the scheme as he thinks proper:

Provided that—

(i) where an objection has been duly made with respect to the scheme by any person appearing to the Minister to be affected thereby and has not been withdrawn, the Minister unless he considers the objection to be frivolous or unless the scheme has been modified as required by the objection shall, before taking any further action with respect to the scheme, direct a public inquiry to be held in accordance with rules made under this Act and consider the report of the person who held the inquiry; and

(ii) if modifications in the scheme are made by the Minister, he shall require the Commission to give to every registered refiner notice of the modifications made;

(*e*) unless, after the foregoing provisions of this section have been complied with, both of the necessary majorities of registered refiners notify the Minister that they assent to the scheme, as modified by any modifications made therein, the Minister shall take no further action with respect to the scheme;

(*f*) subject to the foregoing provisions of this section, if the Minister is satisfied, after consultation with the Board of Trade, that the scheme is in the public interest and will conduce to the greater efficiency of the sugar refining industry and that the scheme makes due provision for the interests of consumers, he may lay before Parliament a draft of the scheme, and if each House resolves that the scheme be approved, the Minister shall make an order approving the scheme in terms of the draft and the scheme shall come into force on such date as may be specified in the order.

(2) If at any time both of the necessary majorities of registered refiners notify the Minister that they desire that the scheme shall be revoked, the Minister shall, unless after consultation with the Board of Trade he is satisfied that it would not be in the public interest so to do, by order revoke the scheme and the scheme shall cease to be in force as from such date as may be specified in the order.

(3) For the purposes of paragraph (*e*) of subsection (1) of this section and for the purposes of the last foregoing subsection the necessary majorities of registered refiners are—

(*a*) the registered refiners who, in the opinion of the Minister, are capable of producing more than one-half of the quantity of refined sugar that all the registered refiners are capable of producing;

(*b*) more than one-half of the number of registered refiners.

(4) If at any time it appears to the Minister to be expedient so to do, he may require the Commission to give, in such manner as he may direct, public notice of his intention to consider the revocation of any licensing scheme in force, and every such notice shall specify the time within which written objections and representations with respect to the revocation of the scheme may be sent to the Minister, and if, after considering any such objections and representations duly made to him and after holding such inquiries (if any) as he thinks fit, and after consultation with the Board of Trade and with the Commission, the Minister is satisfied that any provision of the scheme or any act or omission of the licensing

authority constituted thereunder is contrary to the interest of consumers or to the interest of a substantial number of persons affected by the scheme and is not in the public interest, he shall lay before Parliament a draft of an order revoking the scheme, and if each House resolves that the order be approved the Minister shall make an order revoking the scheme in terms of the draft and the scheme shall cease to be in force on such date as may be specified in the order.

(5) The revocation of any licensing scheme shall be without prejudice to the making and approval of any subsequent licensing scheme under this Act.

Provisions as to the making and confirmation of schemes other than licensing schemes.

22.—(1) The following provisions shall have effect in the case of any scheme made under this Act, not being a scheme made under section three thereof or a licensing scheme—

(*a*) before submitting to the Minister the scheme made by them, the Commission shall send copies thereof to all persons and bodies that they were required by this Act to consult before the scheme was made, and shall consider any objections or representations with respect thereto made by any such person or body within fourteen days, or such further time as the Commission may allow, after the copy of the scheme was sent to that person or body, and when submitting the scheme to the Minister the Commission shall transmit to him any such objection or representation which has not been withdrawn;

(*b*) when the scheme has been submitted to the Minister, he shall consider any objections and representations with respect thereto duly transmitted to him and may, after holding such inquiries (if any) as he thinks fit, make such modifications in the scheme as he thinks proper:

Provided that, if modifications in the scheme are made by the Minister, he shall require the Commission to give to every person and body to whom or to which a copy of the scheme was required by the foregoing provisions of this section to be sent, notice of the modifications made and shall consider any objections or representations with respect thereto made to him within such time as may be specified in the notice;

(*c*) after the foregoing provisions of this section have been complied with, the Minister may by order confirm the scheme and, when so confirmed, the scheme shall come into force on such date as may be specified in the order;

(*d*) as soon as may be after making an order confirming the scheme, the Minister shall lay the scheme and the order before Parliament, and if either House of Parliament within the next subsequent twenty-eight days on which that House has sat after the order has been laid before it resolves that the order be annulled the order shall forthwith be void but without prejudice to the validity of anything previously done thereunder or to the making and confirmation of a new scheme.

(2) In relation to any scheme as to research and education extending to Scotland as well as to England and Wales, references in this section to the Minister shall be construed as including references to the Secretary of State.

Wages and Conditions of Employment.

Wages and conditions of employment of persons employed.

23.—(1) The wages paid by the Corporation to persons employed by it in connection with the manufacture of sugar in respect of which assistance is payable under this Act or by any person carrying on business as a refiner of sugar under a refiner's licence to persons employed by him in connection with that business and the conditions of employment of persons so employed shall, unless agreed upon by the employer and by organisations representative of the persons employed or by a joint industrial council representing them, not be less favourable to the persons employed than the wages which would be payable and the conditions which would have to be observed under a contract which complied with the requirements of any resolution of the House of Commons for the time being in force applicable to contracts of Government departments, and if any dispute arises as to what wages ought to be paid or what conditions ought to be observed in accordance with this section it shall, if not otherwise disposed of, be referred by the Minister to the industrial court for settlement.

(2) Where any matter is referred to the industrial court under this section, the court, in arriving at its decision, shall have regard to any determination that may be brought to its notice relating to the wages or conditions of service of persons employed in a capacity similar to that of the persons to whom the reference relates, being a determination contained in a decision of a joint industrial council, conciliation board, or other similar body, or in an agreement between organisations representative of employers and workpeople.

(3) Where any award has been made by the industrial court upon a dispute referred to that court under this section, then, as from the date of the award or from such later date as the court may direct, it shall be an implied term of the contract between the employer and workers to whom the award applies that the rate of wages to be paid or the conditions of employment to be observed under the contract shall, until varied in accordance with the provisions of this section, be in accordance with the award.

Miscellaneous and General.

Claims for payment, and repayment of amounts improperly obtained.

24.—(1) All claims for payment of assistance, supplementary payments, or allowances, shall be made to, and determined by, the Minister in accordance with rules made under this Act, and any decision of the Minister given with respect to, or in connection with, any such claim, shall be final and conclusive.

(2) The power of the Commissioners of Customs and Excise to make regulations under paragraph (4) of Part III of the Second Schedule to the Finance Act, 1928, shall include power to make regulations with a view to verifying claims for assistance, supplementary payments and allowances; and accordingly in that paragraph for the words " or subsidy " there shall be inserted the words " subsidy, assistance, supplementary payments, or allowances."

18 & 19 Geo. 5. c. 17.

(3) If it is found at any time that any person has obtained any payment by way of assistance, supplementary payment, apportionment of supplementary payment, or allowance, to which or to part of which

he was not lawfully entitled, the amount of that payment or of that part of the payment may, without prejudice to the recovery thereof as a debt due to the Crown, and without prejudice to the criminal liability, if any, of any person, be recovered by the Minister summarily as a civil debt.

Penalties for false statements.

25.—(1) If for the purpose of obtaining any payment by way of assistance, supplementary payment, apportionment of supplementary payment, or allowance, either for himself or for any other person any person knowingly or recklessly makes any untrue statement or untrue representation, he shall be guilty of an offence under this Act and shall, in respect of each offence, be liable on summary conviction to a fine not exceeding fifty pounds or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(2) If proceedings for an offence under this section are instituted by the Commissioners of Customs and Excise the fine for the offence shall be deemed to be an excise penalty, and shall be recoverable accordingly.

Duty of Corporation and of registered refiners to furnish information to Commission.

26.—(1) It shall be the duty of the Corporation at such times as may be directed by the Commission, to furnish to the Commission, and to any accountant appointed by them with the approval of the Treasury such estimates, returns, accounts and other information relating to the business of the Corporation as the Commission may require, and any expenses incurred by the Commission in connection with the obtaining of any such estimates, returns, accounts or information as aforesaid shall be defrayed by the Corporation.

(2) Any officer of, or accountant or other technical or professional agent appointed by, the Commission duly authorised in writing by the Commission in that behalf may, on production of his authority, enter at all reasonable times any premises of the Corporation and inspect and take copies of any accounts, books, or other documents, for the purpose of obtaining information required by the Commission, and if any person obstructs any such officer, accountant, or agent in the exercise of his powers under this subsection or refuses to produce any accounts, books or other documents under his control which he is required to produce by any such officer, accountant, or agent, he shall be guilty of an offence under

this Act and shall be liable on summary conviction to a fine not exceeding fifty pounds.

(3) It shall be the duty of every registered refiner to furnish to the Commission, at such times as may be directed by them, such information with respect to sales and purchases of sugar by that refiner as the Commission may require for the purpose of assisting the Commission in the discharge of their functions under this Act; and if any registered refiner makes default in furnishing any such information as aforesaid, he shall be guilty of an offence under this Act and shall be liable on summary conviction to a fine not exceeding fifty pounds.

Offences by bodies corporate.

27. Where an offence under this Act committed by a body corporate is proved to have been committed with the consent or approval of, or to have been facilitated by any neglect on the part of, any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Annual report.

28. It shall be the duty of the Commission to submit to the Minister as soon as may be after the end of every year a report on the discharge of their functions under this Act during that year, and the report shall contain such accounts of the Corporation (including a balance sheet and a profit and loss account) as may be prescribed by rules made under this Act, and all such reports and accounts shall be laid before Parliament.

Power to make rules.

29. The Minister may, with the consent of the Treasury, make rules for any matter with respect to which rules are required by the provisions of this Act, and for such consequential or supplementary matters as may be necessary for the purposes of this Act, and in particular such rules may make provision as to—

(*a*) the costs of any inquiry held under this Act and as to the persons by whom any expenses of the Minister in connection with such an inquiry are to be defrayed;

(*b*) the form in which any estimates, returns, accounts or other information are to be furnished to the Commission or to the Minister.

Expenses of Minister and payments into Exchequer.

30.—(1) Any expenses incurred by the Minister under this Act, except any expenses for which other provision is made by this Act or by any scheme or rules made thereunder shall be defrayed out of moneys provided by Parliament.

(2) All sums received by the Commission in the discharge of their functions under this Act, except any sums as to which other provision is made by this Act or by any scheme made thereunder, shall be paid into the Exchequer.

Application to Scotland.

31. This Act shall, in its application to Scotland, have effect subject to the following modifications, that is to say—

(*a*) references to the High Court shall be construed as references to the Court of Session;

(*b*) section fifteen shall have effect as if the word "summarily" in subsection (2) thereof were omitted therefrom;

(*c*) in relation to any scheme as to research and education extending only to Scotland, section eighteen shall be construed as if references to the Minister were omitted therefrom, and section twenty-two shall be construed as if for references therein to the Minister there were substituted references to the Secretary of State;

(*d*) in its application to any scheme, in so far as the scheme extends to Scotland, section twenty shall have effect as if the word "summarily" in subsection (1) thereof were omitted therefrom;

(*e*) section twenty-four shall have effect as if the word "summarily" in subsection (3) thereof, were omitted therefrom;

(*f*) section twenty-five shall have effect as if subsection (2) thereof were omitted therefrom.

Interpretation.

32.—(1) In this Act, unless the contrary intention appears, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"Appropriate proportion" means, in relation to the rates of assistance payable in respect of sugar of any degree of polarisation, the proportion which the figure specified in respect of sugar of that polarisation in the last column of the table set out in the Sixth Schedule to this Act (or of such other table as may be substituted therefor in accordance with the provisions hereinafter contained in this section) bears to one hundred;

"Contravention" in relation to any provision includes a failure to comply with that provision, and "contravene" shall be construed accordingly;

"Home-grown beet" means sugar beet grown in Great Britain;

"Liabilities" includes duties;

"Manufacture," in relation to sugar, means the making of sugar of any polarisation from sugar beet or sugar cane; and the expression "manufactured" shall be construed accordingly;

"Maximum quota income" means, in relation to any year, the income which in pursuance of the Sugar Refining Agreement, and of any scheme apportioning the liability thereunder, the Corporation would receive in the year if the Corporation were to sell to other refiners of sugar the whole of its allocation of quotas under the Agreement;

"Minister" means the Minister of Agriculture and Fisheries;

"Polarisation" means the polarisation indicated by sugar when tested by a polariscope;

"Property" includes property, rights and powers of every description;

"Raw sugar price" and "average raw sugar price" mean respectively the raw sugar price, and the average raw sugar price, determined in accordance with the provisions hereinafter contained in this section;

"Refiner of sugar" means a person who carries on in the United Kingdom the business of refining sugar and of selling the refined sugar otherwise than as a constituent part of any other product manufactured by him in the premises in which the sugar was refined;

"Registered refiner" means a person whose name and address are for the time being entered in the register of refiners of sugar kept under this Act;

"Securities" includes stocks and shares, and "debentures" includes debenture stock;

"Standard quantity" means a quantity equal to five hundred and sixty thousand tons of white sugar;

"Sugar Beet Marketing Board" means a board administering a scheme under the Agricultural Marketing Acts, 1931 to 1933, regulating the marketing of sugar beet;

"Sugar Refining Agreement" means an agreement providing for the matters set out in the Third Schedule to this Act made between the Corporation and other refiners of sugar and approved by order of the Minister made after consultation with the Commission and with the consent of the Treasury, and includes any such agreement;

"White sugar" means sugar of a polarisation exceeding ninety-nine degrees;

"Year" means a period beginning on the first day of April and ending with the thirty-first day of March next following.

(2) For the purposes of this Act, the quantity of sugar which is equal to any given quantity of white sugar shall be calculated upon the assumption that one hundred hundredweights of sugar of any polarisation mentioned in the first column of the table set out in the Sixth Schedule to this Act (or of such other table as may be substituted therefor in accordance with the provisions hereinafter contained in this section) is equal to the quantity of white sugar mentioned in the second column of that table in respect of sugar of that polarisation.

(3) If at any time the quantities of sugar of different polarisations which are equal to a given quantity of white sugar are determined for the purposes

of the charge of excise duties or of customs duties in accordance with a scale other than that set out in the table contained in the Sixth Schedule to this Act, the Minister may, by order made after consultation with the Commission and with the consent of the Treasury, direct that this Act shall have effect as if for the table set out in the said Sixth Schedule there were substituted such other table (being, as respects sugar of any polarisation not exceeding ninety-eight degrees, a table corresponding with the scale in accordance with which such duties are determined) as may be specified in the order, and upon the coming into force of any such order this Act shall have effect accordingly.

(4) For the purposes of this Act the sugar content of beet shall be ascertained by means of the cold water digestion method.

(5) No calculation made for determining rates of assistance for the purposes of this Act shall be carried further than one place of decimals of a penny.

(6) The Commission, after consultation with an advisory committee constituted by them consisting of representatives of both buyers and sellers of sugar, shall from time to time determine, in accordance with rules made under this Act, a daily raw sugar price per hundredweight, and, subject to such provisions as may be contained in the rules, the raw sugar price for any day shall be so determined by reference to the prices at which raw sugar on which the full rate of customs duty is chargeable could have been bought on that day; and the average raw sugar price for any period shall be the aggregate of the prices so determined as aforesaid for days in that period divided by the number of days in the period, being days for which such a price was so determined.

33.—(1) This Act may be cited as the Sugar Industry (Reorganization) Act, 1936.

Short title and extent.

(2) Save as therein expressed to extend to the United Kingdom this Act shall not extend to Northern Ireland.

SCHEDULES.

Section 3.

FIRST SCHEDULE.

Amalgamation of Companies Manufacturing Sugar from Home-grown Beet.

Part I.

List of Companies and Factories to be Amalgamated.

Name of Company.	*Name of Factory.*
English Beet Sugar Corporation, Ltd.	Cantley, Norfolk.
Home Grown Sugar, Ltd.	Kelham, Nottinghamshire.
Ely Beet Sugar Factory, Ltd.	Ely, Cambridgeshire.
Ipswich Beet Sugar Factory, Ltd.	Ipswich, Suffolk.
King's Lynn Beet Sugar Factory, Ltd.	King's Lynn, Norfolk.
Anglo-Scottish Beet Sugar Corporation, Ltd.	Colwick, Nottinghamshire. Spalding, Lincolnshire.
Second Anglo-Scottish Beet Sugar Corporation, Ltd.	Poppleton, Yorkshire. Felstead, Essex. Cupar, Fifeshire.
West Midland Sugar Co., Ltd.	Kidderminster, Worcestershire.
United Sugar Co., Ltd.	Bury St. Edmunds, Suffolk.
Central Sugar Co., Ltd.	Peterborough, Northamptonshire.
Yorkshire Sugar Co., Ltd.	Selby, Yorkshire.
Shropshire Beet Sugar Co., Ltd.	Allscott, Shropshire.
Lincolnshire Sugar Co., Ltd.	Bardney, Lincolnshire.
Second Lincolnshire Sugar Co., Ltd.	Brigg, Lincolnshire.
British Sugar Manufacturers, Ltd.	Wissington, Norfolk.

Part II.

Provisions as to Schemes for Amalgamation in default of Agreement.

1. Any scheme prepared by the Commission under section three of this Act may contain such provisions as may be necessary or expedient for giving effect to the purposes of the scheme,

and in particular, but without prejudice to the generality of the foregoing provision may provide for all or any of the following matters, that is to say,—

(*a*) for the formation and registration of the Corporation under the Companies Act, 1929, and as to the membership, capital, control, and management thereof;

(*b*) for vesting in the Corporation such property and liabilities of the transferor companies as may be provided for by the scheme; and for disposing of, or otherwise dealing with, any property or liabilities not so vested;

(*c*) for the consideration to be given to the several transferor companies and generally as to the terms and conditions of the transfer, and for that consideration consisting in whole or in part of securities of the Corporation;

(*d*) for the winding up of the transferor companies and for the holder of securities of any transferor company receiving on the winding up of that company, in substitution therefor and in satisfaction of all claims arising thereunder, such securities of the Corporation and of such amounts as may be specified in the scheme;

(*e*) for any of the matters for which provision is made in Part V of the Railways Clauses Act, 1863; 26 & 27 Vict. c. 92.

and any such scheme may make such incidental, consequential and supplementary provisions as appear necessary or expedient.

2. The Commission may give such directions as they think fit as to the publication of advertisements of any such scheme, the giving of notices and the holding of meetings of companies affected, and of any classes of shareholders and debenture-holders of any such companies, and before any such scheme is made the Commission shall take into consideration all objections to the scheme prepared which may have been made by any person or by any class or body of persons within such time and in such manner as may have been directed by the Commission, and where any objections have been so made shall hear any objectors whom they consider entitled to appear.

3. The Commission after hearing such objectors as aforesaid (if any) with reference to any scheme may make the scheme and submit it to the Minister who may with the consent of the Treasury confirm the scheme either without modification or subject to such modifications as the Minister and the Treasury think fit:

Provided that—

(*a*) before submitting to the Minister a scheme made by them the Commission shall furnish a copy thereof to each of the transferor companies and to any objector whom they consider to be affected;

1st Sch. —*cont.*

(*b*) when submitting any such scheme to the Minister the Commission shall transmit to him any objection with respect thereto made to them which has not been withdrawn; and

(*c*) before modifications are made in a scheme submitted by the Commission to the Minister the Minister shall give to the Commission, to each of the transferor companies, to any objector whose objection has been transmitted to him and to such other persons, if any, as he thinks proper, notice of the modifications proposed to be made and shall take into consideration any representations made to him with respect thereto within such time as may be specified in the notice.

4. No scheme shall provide for the allocation to any person of securities subjecting the holder thereof to any liability for calls in excess of the liability (if any) to which he was subject as the holder of the securities for which the allocated securities are to be substituted.

5. Any scheme making provision as to the allocation of the securities or other assets of the Corporation as between the transferor companies or as between classes of the shareholders and debenture-holders of any of those companies shall provide that if any of those companies or any shareholder or debenture-holder of any of those companies considers that the allocation is inequitable, the transferor company, shareholder or debenture-holder (as the case may be), may, within such period (not being less than two months from the date on which the scheme comes into force) as may be specified in the scheme, appeal to the High Court; and upon any such appeal the Court may make such alteration in the provisions of the scheme relating to the allocation of the securities or other assets of the Corporation between the transferor companies or between such classes as aforesaid, as to the Court may seem just, and the order of the Court shall have effect notwithstanding the provisions of this Act as to the coming into force of the scheme when confirmed by the Minister with the consent of the Treasury, but without prejudice to the validity and operation on and after the date of such confirmation of any other provisions of the scheme.

6. There shall be paid to the Minister by the Corporation a sum equal to such amount as may be certified by the Minister to be the amount of the expenses incurred, whether before or after the passing of this Act by him and by any other Government Department and by the Commission in connection with the preparation, making or confirmation of any scheme made under section three of this Act or in connection with any proceedings relating to such a scheme.

SECOND SCHEDULE.

Section 5.

Minimum Prices of Home-grown Beet received by the Corporation in the year beginning on 1st April 1936.

1. Subject as hereinafter provided the minimum prices of home-grown beet received by the Corporation in the year beginning on the first day of April, nineteen hundred and thirty-six, shall be—

	Price per ton.
(*a*) in the case of beet properly loaded with not more than fifteen per cent. tare into railway trucks at the growers' nearest railway station consigned to the factory situated at Cupar - - - - -	34*s.*
(*b*) in the case of beet delivered into the factory sidings or flumes at the factory situated at Bardney, Bury St. Edmunds, Cantley, Colwick, Ely, Felstead, Ipswich, Kelham, King's Lynn, Peterborough, Spalding, or Wissington - -	35*s.*
(*c*) in the case of beet delivered into the factory sidings or flumes at the factory situated at Allscott, Brigg, Kidderminster, Poppleton, or Selby - -	36*s.*

Provided that, if the quantity of white sugar equal to the quantity of sugar manufactured from home-grown beet received by the Corporation in the said year is greater than the standard quantity, the minimum prices aforesaid may be reduced by such amounts as may be provided by the contracts entered into in accordance with the provisions of subsection (1) of section five of this Act.

2. For the purposes of this Schedule—

(i) the expression " price " means the price payable as in respect of beet properly topped and washed, having a sugar content of fifteen and one-half per cent.;

(ii) where the sugar content of any beet is greater or less than fifteen and one-half per cent. there shall be made an addition to or deduction from the minimum price at the rate of threepence in respect of each 0·1 per cent. above or below fifteen and one-half, as the case may be.

Sections 8, 32.

THIRD SCHEDULE.

Matters to be provided for in a Sugar Refining Agreement.

1. The purchase by refiners of sugar other than the Corporation of raw sugar manufactured by the Corporation from home-grown beet.

2. The allocation of quotas to the Corporation and other refiners of sugar and the apportionment of sales of sugar between the Corporation and other refiners by reference to quotas.

3. The purchase by refiners of sugar other than the Corporation of quotas which the Corporation desires to sell, being quotas allocated to the Corporation under the Agreement.

4. The modification by the Commission after consultation with the Minister and with the consent of the Treasury of any of the provisions of the Agreement at the request of the parties thereto.

Section 14.

FOURTH SCHEDULE.

Standard Basis of Prescribed Rates and Adjustments in respect of Variations therefrom.

Definitions.

1. For the purposes of this Schedule the following expressions have the meanings hereby respectively assigned to them, that is to say :—

"Duty advantage" means, subject as hereinafter provided, the amount by which the excise duty chargeable in respect of a hundredweight of sugar of any polarisation wholly manufactured from home-grown beet is less than the full rate of customs duty chargeable in respect of a hundredweight of imported foreign sugar of that polarisation, so, however, that the duty advantage

4th Sch. —*cont.*

shall be computed as if the full rate of customs duty chargeable on foreign sugar were, in the case of sugar of a polarisation exceeding ninety-eight degrees but not exceeding ninety-nine degrees a rate of eight shillings and ninepence and six-tenths of a penny per hundredweight, and, in the case of sugar of a polarisation exceeding ninety-nine degrees a rate of nine shillings and fourpence per hundredweight:

Provided that, if before the making of any order determining the prescribed rate for any year any change in the rates of excise duty or of customs duty respectively chargeable on sugar has been made since the determination of the prescribed rate then in operation, the Minister may by order made with the consent of the Treasury make such modifications in the foregoing definition as may be necessary to correspond with the change;

"Appropriate percentage" means such percentage as may be determined in accordance with rules made under this Act, so, however, that the percentage for any year shall be determined by reference to the effect which variations in the factors that under the Sugar Refining Agreement determine the maximum quota income, would have had on the total income of the Corporation, if the Corporation had in that year sold the maximum amount of white sugar consistent with the terms of that agreement.

Standard Conditions.

2. The standard conditions upon the basis of which the prescribed rate for every year is to be determined are the following conditions, that is to say:—

(*a*) that the duty advantage in respect of sugar of any polarisation will be of the same amount as that which exists when the prescribed rate is determined;

(*b*) that the average raw sugar price for each week in the year will in the case of the year beginning on the first day of April nineteen hundred and thirty-six be four shillings and sixpence, and in the case of any subsequent year be a price equal to the estimate thereof specified in the order determining the prescribed rate for the year;

(*c*) that the quantity of sugar manufactured by the Corporation in Great Britain from home-grown beet received by it in the year will be the standard quantity;

4TH SCH. —*cont.*

(*d*) that the maximum quota income for the year will be of an amount equal to the estimate thereof specified in the order determining the prescribed rate for that year.

Adjustments in prescribed rates in respect of variations from the standard conditions.

3. In determining the effective rates of assistance in force under this Act the following adjustments shall be made in respect of variations from the standard conditions :—

(i) If in any week in which sugar is manufactured from home-grown beet the amount of the duty advantage in respect of sugar of any polarisation exceeds or falls short of the amount of that advantage when the prescribed rate in operation was determined, the effective rate of assistance payable in respect of sugar of that polarisation so manufactured in that week shall be calculated as if the standard rate in the case of sugar of that polarisation had been decreased or increased by one-tenth of a penny for each complete tenth of a penny by which the duty advantage exceeds or falls short of the duty advantage when the prescribed rate was determined :

(ii) If in any week in which sugar is manufactured from home-grown beet the average raw sugar price for that week exceeds or falls short of the estimated rate specified in the order determining the prescribed rate for the year, the effective rates of assistance payable in respect of sugar so manufactured in that week shall be calculated as if the prescribed rate had been decreased or increased by one-tenth of a penny for each complete one-tenth of a penny by which the said average price exceeds or falls short of the said estimated rate :

(iii) If the quantity of white sugar equal to the quantity of sugar manufactured by the Corporation in Great Britain from home-grown beet received by it in any year falls short of the standard quantity by seven and one-half per cent. or more, the total amount of assistance payable in respect of sugar manufactured from home-grown beet received by it in that year shall be calculated—

(*a*) where the quantity has fallen short by less than fifteen per cent., as if the prescribed rate had been increased by one penny ;

(*b*) where the quantity has fallen short by fifteen per cent. or more, as if the prescribed rate had been increased by twopence :

4th Sch. —*cont.*

(iv) If the maximum quota income for any year exceeds or falls short of the estimate thereof specified in the order determining the prescribed rate for that year, there shall be deducted from or added to the total amount of assistance payable in respect of sugar manufactured from home-grown beet received by the Corporation in that year, an amount which, subject as hereinafter provided, shall be equal to the appropriate percentage of the difference between the maximum quota income and the said estimate :

Provided that, if in respect of any year the Treasury after consultation with the Commission are satisfied that the addition of an amount equal to the said appropriate percentage would be insufficient to enable the Corporation to earn profits equivalent to such rates of interest as the Treasury consider reasonable having regard to the circumstances existing when the adjustment under this paragraph is to be made, then, the amount to be added to the total amount of assistance aforesaid shall be such as the Minister may with the consent of the Treasury think fit not exceeding the amount by which the total income of the Corporation has been diminished by reason of the variations by reference to the effect of which the appropriate percentage was determined.

FIFTH SCHEDULE.

Section 15.

Calculation of Supplementary Payments.

The amount of the supplementary payment payable in respect of poverty of the crop of home-grown beet in any year shall be calculated in the manner following, that is to say,—

(*a*) there shall be ascertained the quantity of white sugar equal to the quantity of sugar manufactured by the Corporation in Great Britain from home-grown beet received by it in the year;

(*b*) there shall be deducted from or added to the amount of assistance payable in respect of the quantity of sugar so manufactured as aforesaid, an amount equal to that by which the assistance was increased or decreased in accordance with the provisions of sub-paragraphs (iii) and (iv) of paragraph 3 of the Fourth Schedule to this Act and there shall be calculated the rate per hundredweight of white sugar obtained by dividing the sum so ascertained by an amount equal to the quantity ascertained under paragraph (*a*) of this Schedule;

(*c*) there shall be ascertained the additional sum which would have been payable to the Corporation if assistance at the rate calculated under the last foregoing paragraph had been payable on an additional quantity of sugar equal to the difference between the quantity ascertained under paragraph (*a*) of this Schedule and the standard quantity;

and, subject as hereinafter provided, the amount of the supplementary payment shall be such as the Minister, after consultation with the Commission, considers equitable, having regard to the extent to which the crop has been affected by adverse farming conditions, not exceeding a sum equal to one-half of the amount ascertained under paragraph (*c*) of this Schedule:

Provided that the amount of the supplementary payment in respect of any year shall not exceed a maximum equal to one shilling for every ton of home-grown beet received by the Corporation in that year under the contracts entered into in accordance with the provisions of section five of this Act; so, however, that for the purposes of calculating that maximum in relation to beet of which the sugar content is greater or less than fifteen and one-half per cent. the said sum of one shilling shall be subject to an addition or deduction of such amount as the Minister, having regard to the contracts aforesaid, may determine after consultation with the Commission.

Section 32.

SIXTH SCHEDULE.

TABLE FOR DETERMINING EQUAL QUANTITIES OF SUGAR OF DIFFERENT POLARISATIONS, AND FOR DETERMINING THE APPROPRIATE PROPORTION IN RELATION TO RATES OF ASSISTANCE.

Sugar of a polarisation exceeding—		Cwt.
99 degrees		100·0
98 „	but not exceeding 99 degrees	94·3
97 „	„ „ 98 „	92·0
96 „	„ „ 97 „	89·6
95 „	„ „ 96 „	87·2
94 „	„ „ 95 „	84·8
93 „	„ „ 94 „	82·4
92 „	„ „ 93 „	80·0

6th Sch. —*cont.*

Sugar of a polarisation exceeding—	Cwt.
91 degrees but not exceeding 92 degrees - - -	77·6
90 ,, ,, ,, 91 ,, - - -	75·2
89 ,, ,, ,, 90 ,, - - -	72·8
88 ,, ,, ,, 89 ,, - - -	70·4
87 ,, ,, ,, 88 ,, - - -	68·4
86 ,, ,, ,, 87 ,, - - -	66·4
85 ,, ,, ,, 86 ,, - - -	64·6
84 ,, ,, ,, 85 ,, - - -	62·8
83 ,, ,, ,, 84 ,, - - -	61·0
82 ,, ,, ,, 83 ,, - - -	59·2
81 ,, ,, ,, 82 ,, - - -	57·6
80 ,, ,, ,, 81 ,, - - -	56·0
79 ,, ,, ,, 80 ,, - - -	54·4
78 ,, ,, ,, 79 ,, - - -	52·8
77 ,, ,, ,, 78 ,, - - -	51·2
76 ,, ,, ,, 77 ,, - - -	49·6

CHAPTER 19.

An Act to authorise the Treasury to make an agreement with a company to be incorporated by the name of the Special Areas Reconstruction Association Limited and to make payments to the company in accordance with that agreement; and for purposes connected with the matters aforesaid. [29th May 1936.]

WHEREAS it is intended that a company should be incorporated under the Companies Act, 1929, by the name of the Special Areas Reconstruction Association Limited (hereinafter referred to as "the company") with the object (among other objects) of providing as a temporary and special expedient a means of affording financial facilities to persons setting up or carrying on business in the areas specified in the First Schedule to the Special Areas (Development and Improvement) Act, 1934, who satisfy the company that, whilst having reasonable expectation of ultimate success on an economic basis, they are not for the time being in a position to obtain financial facilities from banks or financial institutions primarily engaged in providing financial facilities for long or medium term periods:

19 & 20 Geo. 5. c. 23.

25 & 26 Geo. 5. c. 1.

And whereas it is expedient to give assistance to the company in carrying out the said objects:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power of Treasury to enter into and make payments under an agreement.

1.—(1) If the company is so incorporated as aforesaid in accordance with arrangements approved by the Treasury, the Treasury may enter into an agreement with the company providing for the matters set out in the Schedule to this Act and, subject to the provisions of this section, may modify the said agreement by any further agreement with the company.

(2) In the event of the capital of the company being increased with the written consent of the Treasury, the provisions of the said agreement made in accordance with paragraphs 5 and 6 of the Schedule to this Act may be modified by a further agreement in such manner as may be expedient having regard to the increase of capital, but save as aforesaid no modifications shall be made in the said agreement which are inconsistent with the provisions of the said Schedule.

(3) The Treasury shall, as soon as may be, lay before Parliament a copy of the said agreement and of any further agreement by which it is modified.

(4) Any sums required by the Treasury for making the annual payments specified in paragraph 2 of the said Schedule shall be defrayed out of moneys provided by Parliament, and any sums required by the Treasury for making the other payments specified in the said Schedule shall be charged on and issued out of the Consolidated Fund of the United Kingdom or the growing produce thereof, and any sums received by the Treasury under the said agreement shall be paid into the Exchequer.

Exclusion of 63 & 64 Vict. c. 51 and 17 & 18 Geo. 5. c. 21.

2. If the company is so incorporated as aforesaid in accordance with arrangements approved by the Treasury, the Board of Trade shall make an order under section six of the Moneylenders Act, 1900, exempting the company from that Act and the Moneylenders Act, 1927.

Short title.

3. This Act may be cited as the Special Areas Reconstruction (Agreement) Act, 1936.

SCHEDULE.

Matters to be provided for in an Agreement between the Treasury and the Special Areas Reconstruction Association Limited.

1. The payment by the Treasury of the preliminary expenses of the company and of the costs and expenses of and incidental to the winding up of the company.

2. The payment by the Treasury to the company in respect of every year of the amount expended by the company in administration expenses in respect of that year, or of a contribution of twenty thousand pounds towards those expenses, whichever is the less.

3. The setting aside by the company of reserves against losses, and the payment by the Treasury, as a contribution to those reserves, of sums equal to the amounts from time to time lent by the company after the making of the agreement, up to a limit of one hundred thousand pounds.

4. The payment by the Treasury to the company upon the winding up of the company—

(*a*) in respect of the first million pounds lent by the company after the making of the agreement (hereinafter referred to as " the company's first loans "); and

(*b*) in respect of any amount lent by the company after, and in addition to, the company's first loans (hereinafter referred to as " the company's additional loans ");

of sums equal to the amount, if any, by which the losses of capital attributable respectively to the company's first loans or to the company's additional loans (as the case may be) exceed the amount of the reserves mentioned in paragraph 3 of this Schedule which is available to meet those losses respectively so, however, that the sum payable by the Treasury in accordance with the provisions of this paragraph in respect of the company's first loans and the sum so payable in respect of the company's additional loans shall neither of them exceed one quarter of the amount of the loans in respect of which it is payable.

5. The payment to the Treasury upon the winding up of the company, by way of refund of the sums paid by the Treasury in accordance with paragraph 3 of this Schedule, of a sum

not exceeding one hundred thousand pounds, out of the amount, if any, by which the assets of the company remaining after the discharge of the liabilities of the company exceed the amount paid-up on the first one million pounds of the share capital of the company.

6. The repayment to the Treasury upon the winding up of the company of any sums paid by them in accordance with the provisions of paragraph 1 of this Schedule out of the amount, if any, of the assets of the company remaining after—

(*a*) the discharge of the company's liabilities;

(*b*) the payment of any sums due to the Treasury in accordance with the provisions of the last foregoing paragraph of this Schedule;

(*c*) the repayment of the amount paid-up on the first one million pounds of the share capital of the company including any arrears of dividend payable to the holders of not more than nine hundred thousand redeemable three and a half per cent. cumulative preference one pound shares of the company; and

(*d*) the payment to the holders of not more than one hundred thousand ordinary one pound shares of the company of such sums as, together with the amount of the dividends previously received by them in respect of those shares, are equal to simple interest at three per cent. per annum on the sums from time to time paid up by them respectively in respect of those shares, from the dates on which those sums were so paid up until the date of the commencement of the winding up of the company.

7. The certification, in such manner as may be approved by the Treasury, of the amounts of the payments to be made by and to the Treasury under the agreement.

8. The cessation of the liability of the Treasury to make further payments under the agreement in the event of there being made, without the written consent of the Treasury, any alteration in the memorandum and articles of association of the company which, in the opinion of the Treasury, affects the matters specified in the foregoing provisions of this Schedule.

9. Such additional, consequential, or supplementary matters as appear to the Treasury and to the company to be necessary or expedient.

CHAPTER 20.

An Act to make better provision for the measurement of electricity supplied by authorised undertakers. [29th May 1936.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Appointment of examiners, &c.

1.—(1) Not later than the appointed day the Electricity Commissioners shall appoint and thereafter keep appointed a sufficient number of competent and impartial persons as meter examiners who shall be charged with the examination and certifying of meters used or intended to be used in connection with the supply of electricity by authorised undertakers, and such meter examiners shall comply with any directions given by the Electricity Commissioners as to the exercise and performance of their powers and duties.

(2) Any officer or servant appointed by the Electricity Commissioners under subsection (7) of section one of the Electricity (Supply) Act, 1919, may be appointed to act as a meter examiner.

9 & 10 Geo. 5. c. 100.

(3) The Electricity Commissioners may prescribe the fees to be paid to meter examiners by any consumer or the undertakers as the case may be in respect of the certifying or examination of any meter and may prescribe different fees in relation to different areas:

Provided that any fees taken by a meter examiner being also an officer or servant of the Electricity Commissioners appointed under subsection (2) of this section shall be paid by him into the fund established by the Electricity Commissioners under subsection (3) of section twenty-nine of the Electricity (Supply) Act, 1919.

(4) Subject as hereinafter provided, meter examiners appointed under this Act shall have the powers and duties in relation to meters which are conferred or imposed on electric inspectors by sections fifty, fifty-one and fifty-seven of the Schedule of 1899 and such powers and

duties shall cease to be exercised by electric inspectors accordingly, and the said sections fifty, fifty-one and fifty-seven shall have effect in relation to meters as if references to a meter examiner appointed under this Act were substituted for references to an electric inspector under the Special Order, to an electric inspector appointed under the Special Order or to an electric inspector:

Provided that this subsection shall, in its application to the administrative county of London, have effect as if for the words "fifty-one and fifty-seven", in each place where those words occur in this subsection, there were substituted the words "and fifty-one".

Apparatus for meter testing, &c.

2.—(1) Subject as hereinafter provided, it shall be the duty of any authorised undertakers to provide, and to maintain in proper condition, such suitable apparatus as may be prescribed or approved by the Electricity Commissioners for the examination, testing and regulating of meters used or intended to be used in connection with the supply of electricity by those undertakers, and to afford to meter examiners appointed under this Act all necessary facilities for the use of the said apparatus for the purpose of the exercise and performance of their powers and duties in relation to such meters as aforesaid:

Provided that the Electricity Commissioners, if satisfied with respect to any authorised undertakers that any such apparatus provided by some other person is available for the purpose of the examination, testing and regulating of such meters as aforesaid, and that satisfactory arrangements have been or are about to be made for the use of the apparatus for that purpose by the said undertakers, may by order direct that this subsection shall not apply to those undertakers; and any such order may be revoked by a subsequent order of the Commissioners without prejudice to the making of a new order.

(2) Any two or more authorised undertakers may with the approval of, and shall if required by, the Electricity Commissioners enter into and carry into effect arrangements—

(*a*) for the provision of such apparatus as aforesaid by one or more of the parties to the arrangements for the use of the parties thereto or any of them; and

(*b*) for the examination, testing and regulating, by the party providing any apparatus as aforesaid, of meters used or intended to be used in connection with the supply of electricity by the other parties or any of them;

and may enter into, and carry into effect, arrangements for the repairing and reconditioning by any party to the arrangements of meters used or intended to be used in connection with the supply of electricity by the other parties or any of them.

Any such arrangements as aforesaid shall be made on such terms and conditions as may be agreed between the parties or, if the arrangements are entered into in pursuance of a requirement of the Electricity Commissioners, on such terms and conditions as may, in default of such agreement, be settled by the Commissioners.

(3) So long as there are in force any such arrangements as aforesaid for the provision of apparatus by any authorised undertakers, those undertakers shall have the same duties under subsection (1) of this section in relation to the meters which they are required by the arrangements to examine, test and regulate, as they have under that subsection in relation to meters used or intended to be used in connection with the supply of electricity by the undertakers themselves.

(4) The provision of capital for the purpose of exercising or performing any of their powers or duties under this section shall be a purpose for which any authorised undertakers, being a local authority, joint electricity authority or joint board, may borrow.

Transitional provisions as to existing meters.

3.—(1) Subject as hereinafter provided, every meter to which this section applies shall be deemed for all purposes to be a proper meter for ascertaining the value of the supply, and the register of any such meter shall be evidence, but, save where the consumer has proceeded under subsection (2) of this section and there is a final and binding decision under that subsection, not conclusive evidence, of that value, and the Schedule of 1899 shall apply in relation to any such meter as aforesaid as if it were a certified meter within the meaning of that Schedule :

Provided that section fifty-seven of the said Schedule shall not apply in relation to any meter to which this section applies.

(2) Where any difference arises between any consumer and any authorised undertakers as to whether a meter to which this section applies (whether belonging to the consumer or to the undertakers) is or is not in proper order for correctly registering the value of the supply or as to whether that value has been correctly registered in any case by such a meter, then, if the consumer desires that the difference should be determined under this subsection, he may serve a written notice to that effect upon the undertakers, and in that event the difference shall be determined by such meter examiner appointed under this Act as may be designated by the Electricity Commissioners and the meter examiner may also direct by which of the parties the costs of and incidental to the proceedings before him shall be paid, and his decision shall be final and binding on all parties :

Provided that the preceding provisions of this subsection shall in their application to the administrative county of London have effect as if for any reference in those provisions to a meter examiner appointed under this Act there were substituted a reference to an electric inspector within the meaning of the Schedule of 1899, or, where the local authority are the consumers, to an inspector appointed by the Electricity Commissioners.

(3) This section shall apply to every meter installed on the premises of an ordinary consumer for the purpose of ascertaining the value of the supply, being a meter which has been installed on those premises for that purpose before the appointed day (except any meter which is a certified meter within the meaning of the Schedule of 1899, or is the subject of a special agreement between the consumer and the undertakers), but shall cease to apply to any meter at the time when it is first disconnected and removed after the beginning of the appointed day, or at the expiration of ten years from the beginning of that day, whichever first occurs, except in so far as it may be material for the purposes of any proceedings (including proceedings under subsection (2)

of this section) to determine whether or not the meter has correctly registered the value of the supply in any previous period.

(4) In this section the expressions "consumer" and "the value of the supply" have respectively the same meanings as in the Schedule of 1899.

Definitions.

4.—(1) In this Act unless the context otherwise requires—

"The appointed day" means such day as the Minister of Transport may by order appoint;

"The Schedule of 1899" means the Schedule to the Electric Lighting (Clauses) Act, 1899 (as amended by any subsequent Act) as incorporated with any Act or Order passed or confirmed whether before or after the passing of this Act.

53 & 54 Vict. c. 19.

(2) Any reference in this Act to the Schedule of 1899 or to any provision of that Schedule shall be construed as including a reference to any corresponding provision of any Act or Order which does not incorporate that Schedule or that provision thereof, as the case may be.

Short title, citation, repeal and extent.

5.—(1) This Act may be cited as the Electricity Supply (Meters) Act, 1936, and shall be construed as one with the Electricity (Supply) Acts, 1882 to 1935, and those Acts and this Act may be cited together as the Electricity (Supply) Acts, 1882 to 1936.

(2) In subsection (1) of section thirty-six of the Schedule of 1899 the words "the certifying and examination of meters" are hereby repealed, and so much of section fifty-seven of the said Schedule as makes provision with respect to the appointment and functions of an inspector in a case where the local authority are the consumers shall cease to have effect except in relation to the administrative county of London.

(3) This Act shall not extend to Northern Ireland.

CHAPTER 21.

An Act to provide for the elimination of redundant spinning machinery in cotton mills in Great Britain by means of a Board having power to acquire property and to borrow and levy money; for the making of certain payments to the said Board out of the Consolidated Fund or moneys provided by Parliament, and the making of certain payments by the said Board to the Exchequer; and for purposes connected with the matters aforesaid. [29th May 1936.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Establishment and Principal Functions of Spindles Board and Advisory Committee.

The Spindles Board.

1.—(1) With a view to the elimination of redundant spinning machinery in cotton mills in Great Britain, there shall be established a board (hereafter in this Act referred to as "the Spindles Board") having such powers as are conferred on them by the following provisions of this Act.

(2) The Spindles Board shall consist of a chairman and two other members appointed by the Board of Trade after consultation with persons appearing to the Board of Trade to represent the interests of cotton spinners in Great Britain.

(3) The provisions of the Schedule to this Act shall have effect with respect to the constitution, remuneration, quorum, proceedings, incidental functions and winding up of the Spindles Board.

Power of Spindles Board to acquire and dispose of spinning plant, &c.

2.—(1) Subject to the provisions of this section, the Spindles Board may, during the period of two years beginning on the appointed day, acquire by agreement—

(*a*) such premises and land used, or appropriated for use, for the purpose of the business of a cotton mill, and such machinery and other things whatsoever in or on premises or land used, or appropriated for use, for that purpose, as the Board consider it expedient to acquire with a view to the elimination of redundant spinning machinery in cotton mills in Great Britain; and

(*b*) such easements or rights in respect of land or water as appertain to, or are enjoyed with, land which the Board propose to acquire under paragraph (*a*) of this subsection;

and the powers conferred by this subsection are hereafter in this Act referred to as "purchasing powers."

(2) At any time before the end of the period mentioned in the preceding subsection, the Board of Trade may, on the application of the Spindles Board and with the consent of the Treasury, make an order extending by one year the period during which the purchasing powers of the Spindles Board are exercisable.

(3) The Board of Trade, on an application, made in any year, in such manner as the Board may direct, by or on behalf of the owners of cotton mills in Great Britain in which it appears to the Board that there was, at the beginning of that year, spinning machinery the spindle capacity of which was not less than two-thirds of the spindle capacity of all the spinning machinery then in cotton mills in Great Britain, may (whether or not an order has been made under the last preceding subsection) make an order directing that the purchasing powers of the Spindles Board shall cease to be exercisable as from such date as may be specified in the order made under this subsection, without prejudice however to the performance of contracts duly entered into by the Spindles Board before the date on which the last-mentioned order is made.

(4) The Spindles Board may dismantle, break up, sell or otherwise dispose of any property, rights or interests acquired by them under this section, and may maintain and repair any such property if and in so far as it appears to them to be necessary so to do for the purpose of disposing of it:

Provided that the Board shall not cause any machinery or parts of machinery acquired by them under this section to be removed from Great Britain, and shall not dispose of any such machinery or parts of machinery unless they have satisfied themselves, so far as they reasonably can, that the machinery or parts will not be removed from Great Britain.

(5) For the purposes of this Act, the business of a cotton mill shall be taken to include the carrying on in connection with cotton-spinning of any of the processes commonly known in the cotton-spinning industry as combing, carding, reeling, winding, warping, beaming and gassing; but nothing in this section shall be construed as authorising the Spindles Board to acquire any premises or land, or anything in or on any premises or land, if and in so far as the premises or land are or is used, or appropriated for use, for the purpose of carrying on any of the processes commonly known in the said industry as doubling, sizing, weaving, mercerising and dyeing.

The Advisory Committee.

3.—(1) For the purpose of advising the Spindles Board there shall be a committee (hereafter in this Act referred to as "the Advisory Committee") consisting of six persons appointed by the Board of Trade, and of the members of the Advisory Committee—

(*a*) three shall be persons appointed after consultation between the Board of Trade and the Federation of Master Cotton Spinners' Associations, Limited;

(*b*) one shall be a person appearing to the Board of Trade to represent the interests of cotton spinners in Great Britain who are neither members of the said federation nor members of any association which is a member of, or affiliated to, that federation;

(*c*) one shall be a person appointed after consultation between the Board of Trade and the Joint Committee of Cotton Trade Organisations; and

(*d*) one shall be a person appointed after consultation between the Board of Trade and the United Textile Factory Workers' Association.

(2) It shall be the duty of the Spindles Board to consult the Advisory Committee from time to time

with respect to the discharge of the functions of the Board.

(3) If at any time the Advisory Committee resolve that an application ought to be made to the Board of Trade for the termination of the purchasing powers of the Spindles Board, the committee shall cause their resolution to be published in the London Gazette and in the Edinburgh Gazette and to be communicated to such bodies appearing to the Board of Trade to represent the interests of cotton spinners in Great Britain as the Board of Trade may direct.

(4) At any meeting of the Advisory Committee, three shall be a quorum, and the committee shall have power to act notwithstanding any vacancy among the members of the committee; and if at any such meeting the votes are equally divided on any question, the person acting as chairman of the meeting shall have a second or casting vote.

(5) The Spindles Board may place any of their officers or servants at the disposal of the Advisory Committee, on such terms as the Board think fit, and may, subject to the following provisions of this Act, incur on account of the committee such expenses as the Board may determine.

Financial Provisions.

Power of Spindles Board to borrow.

4.—(1) At any time not later than three years after the appointed day, the Spindles Board may, for the purpose of defraying spindles expenses, borrow money in such manner (including the issue of bonds), and on such terms and conditions, as may be approved by the Board of Trade with the consent of the Treasury, and loans raised by the Spindles Board under this subsection are hereafter in this Act referred to as " loans on capital account " :

Provided that the Spindles Board shall not be empowered by this subsection—

(*a*) to borrow money otherwise than upon terms requiring that the whole of the money borrowed shall be repaid by the Board, together with the interest thereon, not later than fifteen years after the appointed day; or

(*b*) to borrow in the aggregate more than two million pounds.

(2) Any money borrowed under the preceding subsection by the Spindles Board, and the interest thereon, may be charged on all the property and revenues of the Board.

(3) The Spindles Board, with the approval of the Board of Trade, may also borrow money for the purpose of defraying any expenses of the Spindles Board other than spindles expenses; but any money borrowed under this subsection by the Spindles Board (not being money advanced to them by the Board of Trade under the following provisions of this Act) shall be repaid by the Spindles Board, together with the interest thereon, not later than eighteen months after the day on which the money was borrowed.

The spindles levy.

5.—(1) For the year beginning on the appointed day and for each of the next fourteen years there shall, subject to, and in accordance with, the following provisions of this Act, be paid to the Spindles Board by the owner of every cotton mill in Great Britain a levy (hereafter in this Act referred to as " the spindles levy ") in respect of the spindle capacity of the spinning machinery in that cotton mill.

(2) The spindles levy payable for any year in the case of a cotton mill shall, subject to the following provisions of this section, be one and one-sixth pence for each unit which, at the beginning of that year, was comprised in the spindle capacity of the spinning machinery then in the cotton mill, and shall be paid in four equal instalments payable respectively on the first day of the year and three months, six months and nine months thereafter.

(3) If, at the beginning of the second or any subsequent levy year, the total spindle capacity of the spinning machinery in all cotton mills in Great Britain of which any particular person is the owner exceeds the spindle capacity, as at the beginning of the appointed day, of the spinning machinery in all cotton mills in

Great Britain of which that person then was, or has, at any time since, been, the owner, except—

(*a*) any cotton mill of which he is not the owner at the beginning of the said year, and in which, at the time when he ceased to be the owner thereof, there was any spinning machinery, and

(*b*) any cotton mill of which he has become the owner after the beginning of the appointed day, and in which, at the time when he became the owner thereof or when any other person previously became the owner thereof after the beginning of that day, there was no spinning machinery,

the amount of spindles levy which, in the case of the first-mentioned cotton mills, is payable for the said year in respect of the said excess shall, in lieu of the sum which would, apart from this subsection, be so payable (hereinafter referred to as " the ordinary levy "), be the sum produced by multiplying the ordinary levy by the number of levy years which will have elapsed at the end of the said year, less the total sum (if any) already paid by virtue of this subsection in the case of those cotton mills.

(4) If, as respects the cotton mills of which any particular person is the owner at the beginning of the second or any subsequent levy year, there is no spindle capacity, as at the beginning of the appointed day, which can, in relation to that person, be taken into account for the purpose of the last preceding subsection, the amount of spindles levy which, by virtue of subsection (2) of this section, is payable for the said year in the case of those cotton mills shall be increased by the total sum which would, by virtue of that subsection, have previously become payable by way of spindles levy in the case of the cotton mills if the spinning machinery therein at the beginning of the said year had been therein at, and at all times since, the beginning of the appointed day, less the total sum (if any) which has already been paid by way of spindles levy in the case of those cotton mills :

Provided that if any of the said cotton mills was a cotton mill at the beginning of the appointed day, then for the purpose of ascertaining whether any, and, if so, what, deduction is to be made under the preceding provisions of this subsection in respect of sums already paid by way of spindles levy, no account shall be taken of any sum which has accrued due by way of spindles levy in the case of that cotton mill before the first occasion after the beginning of the appointed day on which any particular person became the owner of the cotton mill at a time when there was no spinning machinery therein.

(5) The spindles levy payable for any year in the case of a cotton mill shall be a debt accruing due to the Spindles Board at the beginning of that year from the person who is then the owner of the cotton mill; and if, at any time in the course of that year, any other person becomes the owner of the cotton mill, he shall be treated for the purpose of this subsection as if he, as well as the first-mentioned person, had been the owner of the cotton mill at the beginning of the year.

(6) Any sum payable to the Spindles Board by way of the spindles levy may, without prejudice to any other mode of recovery, be recovered summarily as a civil debt.

Termination of spindles levy.

6. If the Board of Trade are satisfied that the Spindles Board have discharged and paid, or made adequate provision for discharging and paying, all liabilities and expenses (including the expenses of winding up) incurred or likely to be incurred by the Spindles Board, the Board of Trade may, with the consent of the Treasury, make an order directing that the spindles levy shall not be payable for any year whatsoever beginning after the day on which the order is made.

Funds of Spindles Board.

7.—(1) There shall be established under the control and management of the Spindles Board—

(*a*) a fund (hereafter in this Act referred to as " the spindles fund ")—

(i) into which shall be paid all moneys borrowed by the Board by way of loans on capital account, all spindles receipts, and all sums (including interest and dividends) realised by the Board from the investment of any moneys standing to the credit of the said fund, and

(ii) out of which (subject to the provisions of the next following subsection) shall be defrayed all spindles expenses; and (*b*) a fund (hereafter in this Act referred to as " the general fund ")—

(i) into which shall be paid all moneys received by the Board by way of the spindles levy and all moneys otherwise received by the Board that are not required by this subsection to be paid into the spindles fund, and

(ii) out of which shall be made all payments falling to be made by the Board, except payments in respect of spindles expenses or in respect of the investment of moneys standing to the credit of the spindles fund.

(2) The first eighty thousand pounds paid into the spindles fund shall be set aside in that fund as a reserve, which shall be applicable for the purpose only of making therefrom such temporary advances to the general fund as may be required for enabling the Spindles Board to meet obligations incurred by them in respect of loans on capital account (including obligations to carry sums to any sinking fund or loan redemption account established in connection with such loans); but nothing in this subsection shall be taken to restrict the application of any interest or dividends realised from the investment of any moneys of the spindles fund, or the application of the assets of the Spindles Board in the winding up of the Board.

Any advance made under this subsection to the general fund shall be repaid from that fund to the spindles fund not later than the end of the accounting period next following that in which the advance was made, and any sums so repaid shall form part of the said reserve.

(3) If, at any time after the end of the period during which the purchasing powers of the Spindles Board are exercisable, it appears to the Board of Trade that any moneys of the spindles fund not forming part of the reserve established under the last preceding subsection are neither required nor likely to be required for the purpose of defraying spindles expenses, the Board of Trade may direct that those moneys be transferred from the spindles fund to the general fund.

(4) Moneys transferred to the general fund in accordance with a direction given by the Board of Trade under the last preceding subsection shall not, except in the winding up of the Spindles Board, be applied for any purpose other than the redemption of loans on capital account.

Estimates of expenses of Spindles Board.

8.—(1) The Spindles Board shall, as soon as may be after the beginning of the first accounting period, and not later than one month before the beginning of each subsequent accounting period, prepare and submit to the Board of Trade, in such form as the Board of Trade, with the approval of the Treasury, may prescribe, an estimate of the administrative expenses for that accounting period which are to be defrayed out of the general fund, and of the amount of any payments of moneys of the general fund which the Spindles Board propose to make in that period to any sinking fund or loan redemption account otherwise than under a contract or arrangement for the borrowing of money, and may subsequently prepare and submit in like manner supplementary estimates of such expenses and payments as aforesaid, and the Board of Trade may, after consultation with the Treasury, approve the estimates with or without modifications.

(2) The Spindles Board shall not incur any such administrative expenses as aforesaid for any accounting period, or make any such payment as aforesaid in any accounting period, except in accordance with the estimates for that period previously approved under this section by the Board of Trade.

Accounts of Spindles Board.

9.—(1) The Spindles Board shall keep, in relation to the spindles fund and in relation to the general fund, proper accounts in such form and manner as the Board of Trade, with the approval of the Treasury, may direct.

(2) Within one month after the end of each accounting period the Spindles Board shall prepare and submit to the Board of Trade in such form as may be prescribed by the Board of Trade with the approval of the Treasury, such accounts for that period with respect to the spindles fund and the general fund (including, in relation to the general fund, a revenue and expenditure account) as may be so prescribed, and the accounts

shall be transmitted as soon as may be by the Board of Trade to the Comptroller and Auditor-General, who shall examine and certify the accounts and shall lay copies thereof, together with his report thereon, before each House of Parliament:

Provided that this subsection shall not be construed as requiring the Comptroller and Auditor-General to lay copies of, and a report on, the accounts of the Spindles Board before Parliament more often than once a year.

(3) If, after any accounts of the Spindles Board have been laid before Parliament the Board receive from any person appearing to them to be the owner of a cotton mill in Great Britain, a written demand for a copy of those accounts, the Board shall furnish such a copy to him free of charge.

(4) No sums shall be written off the accounts of the Spindles Board without the consent of the Board of Trade, which shall not be given except with the approval of the Treasury; and for the purpose of making up the revenue and expenditure account with respect to the general fund for any accounting period—

(*a*) the revenue for that period on account of the spindles levy shall be taken to be the amount of spindles levy which becomes payable in that period to the Spindles Board; and

(*b*) the payment of any moneys of the general fund (other than moneys transferred thereto from the spindles fund under a direction of the Board of Trade) to a sinking fund or loan redemption account in connection with loans on capital account shall be treated as expenditure.

Board of Trade to make good deficits on Spindles Board's revenue and expenditure account.

10.—(1) If the revenue and expenditure account with respect to the general fund, as certified for any accounting period by the Comptroller and Auditor-General, shows an excess of expenditure over revenue, there shall be paid by the Board of Trade to the Spindles Board an amount equal to the deficit or, if the said account as so certified for any previous accounting period has shown a balance of revenue over expenditure, the amount, if any, by which the deficits shown by the said account as certified by the Comptroller and Auditor-General for the first-mentioned accounting period and any previous accounting periods (less any sums already paid under this subsection by the Board of Trade) exceed the surpluses so shown (less any sums already paid under this subsection by the Spindles Board); but if the said account, as certified by the Comptroller and Auditor-General for any accounting period subsequent to the first-mentioned accounting period, shows an excess of revenue over expenditure, then, subject to the following provisions of this section, an amount equal to the surplus shall be paid by the Spindles Board to the Board of Trade within the period of three months beginning on the day on which the account is so certified:

Provided that the Spindles Board shall not be liable under this subsection to pay any sum to the Board of Trade if that sum, together with any sum previously paid under this subsection by the Spindles Board to the Board of Trade, would exceed the amount of any sums so paid by the Board of Trade to the Spindles Board, with the appropriate addition on account of interest.

(2) Where, in relation to any accounting period, any sum is to be paid under this section by the Spindles Board to the Board of Trade, then if the Spindles Board have, when submitting their accounts for that period to the Board of Trade, given to the Board of Trade, in such form as the Board of Trade may prescribe, a certificate—

(*a*) specifying the amount which has, in that period, become payable to the Spindles Board by way of the spindles levy, but which has neither been received by them in that period nor duly written off their accounts, and

(*b*) stating that the Spindles Board have taken all reasonably practicable steps for the recovery of that amount,

the Board of Trade, with the approval of the Treasury, may from time to time direct, with respect to the whole or any part of the first-mentioned sum, that the period within which that sum or that part thereof, as the case may be, is to be paid to the Board of Trade, shall be extended by such further period as the Board of Trade may determine having regard to the resources of the general fund:

Provided that the Board of Trade shall not extend by more than twelve months in all the period fixed by the preceding subsection for the payment of any sum which is to be paid under this section to the Board of Trade in relation to any particular accounting period.

(3) In this section the expression "the appropriate addition on account of interest" means, in relation to any sum paid under this section by the Board of Trade to the Spindles Board, such amount as would have accrued in respect of interest on that sum if the payment thereof as aforesaid had been a loan to the Spindles Board bearing interest at the rate of two-and-a-half per cent. per annum; and any payment made under this section by the Board of Trade to the Spindles Board shall be deemed to be such a loan as aforesaid for the purpose of determining whether, and to what extent, any payment subsequently made under this section by the Spindles Board to the Board of Trade is to be treated as a payment of interest or as a repayment of principal.

Interim advances by Board of Trade to Spindles Board.

11.—(1) If at any time the Spindles Board give to the Board of Trade, in such form as the Board of Trade may prescribe, a certificate—

(*a*) stating that the Spindles Board have taken and are taking all reasonably practicable steps for the recovery of the debts which have become payable to them by way of the spindles levy;

(*b*) specifying all the debts which have become so payable, but which have neither been recovered by the Spindles Board nor duly written off their accounts;

(*c*) stating that the Spindles Board are obliged to make, within fourteen days after the day on which the certificate is given, such payment in respect of loans on capital account (including the carrying of sums to any sinking fund or loan redemption account, and the repayment of sums advanced from the spindles fund to the general fund) as may be specified in the certificate; and

(*d*) specifying the amount (if any) by which the resources of the general fund available for the purpose of meeting the said obligation of the Spindles Board fall short of the sum required for that purpose;

the Board of Trade shall, subject as hereinafter provided, advance to the Spindles Board the amount of the deficiency specified in the certificate or the amount of the debts so specified, whichever amount is the less:

Provided that the Board of Trade shall not advance any sum under this subsection in connection with any particular certificate of the Spindles Board, if, immediately after the advancing of that sum, the total outstanding amount of advances made under this subsection would exceed the total amount of the debts specified in the said certificate.

(2) All advances made under this section to the Spindles Board shall be treated as loans bearing interest at the rate of two-and-a-half per cent. per annum, which, as to both principal and interest, are charged, in priority to all other debts of the Spindles Board, whenever incurred, on the debts specified in the certificates of the Spindles Board in connection with which the advances were made, and shall be repaid in the following manner, that is to say:—

(*a*) any sums recovered by the Spindles Board in respect of the said debts shall, to the extent required to repay the advances with interest, be paid by the Spindles Board to the Board of Trade as and when received; and

(*b*) if and in so far as it is ultimately found that the amount of the advances and the interest thereon exceeds the amount of the debts aforesaid, the amount of the excess shall become payable forthwith by the Spindles Board to the Board of Trade.

Furnishing of information by Spindles Board to Board of Trade.

12. The Spindles Board shall, whenever requested by the Board of Trade so to do, produce to the Board of Trade, and allow them to inspect, such books and other documents, and furnish to the Board of Trade such information, in the possession of the Spindles Board as the Board of Trade consider it necessary for the purpose of either of the last two preceding sections to inspect and obtain.

Source of payments to be made by, and recovery and application of sums payable to, Board of Trade.

13.—(1) The sums required for the making of any payment under this Act by the Board of Trade to the Spindles Board shall be paid out of moneys provided by Parliament or, if and in so far as those sums are not so paid, be charged on, and paid out of, the Consolidated Fund or the growing produce thereof.

(2) The administrative expenses incurred by the Board of Trade for the purposes of this Act shall be defrayed out of moneys provided by Parliament.

(3) Any sum payable under this Act by the Spindles Board to the Board of Trade shall be recoverable as a debt due from the Spindles Board to the Crown and, when received by the Board of Trade, shall be paid into the Exchequer.

Miscellaneous and Supplementary Provisions.

Returns and statistics in respect of cotton mills.

14.—(1) Subject to the provisions of this section, the owner of every cotton mill in Great Britain shall, within one week after the beginning of each levy year, send to the Spindles Board, in such form as the Board may prescribe, a return showing the spindle capacity, as at the beginning of that year, of all the spinning machinery (if any) then in the cotton mill.

If any person fails to send to the Spindles Board in accordance with this subsection a return which he is thereby required to send, he shall be liable on summary conviction to a fine not exceeding one hundred pounds, and to a further fine not exceeding fifty pounds for every day on which the failure continues after a written demand for the return has been served on him by the Board; and if any person knowingly or recklessly makes in any return required by this subsection to be sent to the Board a statement false in any material particular, he shall be liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding one hundred pounds or to both such imprisonment and such fine.

(2) The Spindles Board shall, as soon as may be after the end of each of the consecutive months during which their purchasing powers are exercisable, furnish to the Advisory Committee, in such form as the Committee,

with the concurrence of the Board of Trade, may require, a written return specifying—

(*a*) the spindle capacity of any spinning machinery acquired by the Spindles Board during that month, and

(*b*) the total amount paid or payable by the Spindles Board in respect of the acquisition of any property, rights or interests by them during that month.

(3) Within one week after the beginning of each of the consecutive periods of six months during which the purchasing powers of the Spindles Board are exercisable, the owner of every cotton mill in Great Britain shall, subject to the following provisions of this section, send to the Board, in such form as they may, with the approval of the Board of Trade, prescribe, a return showing the extent (if any) to which spinning machinery has been operated in the cotton mill during the six months immediately preceding that period, and, if any spinning machinery was operated in the cotton mill at any time during those six months, the quantity of the yarn which was, during those six months, produced in the cotton mill by means of that spinning machinery.

If any person—

(*a*) fails to send to the Spindles Board in accordance with this subsection a return which he is thereby required to send, or

(*b*) knowingly or recklessly makes in any return required by this subsection to be sent to the Board a statement false in any material particular,

he shall be liable on summary conviction to a fine not exceeding fifty pounds, and (in the case of a failure to send a return) to a further fine not exceeding ten pounds for every day on which the failure continues after a written demand for the return has been served on him by the Board.

(4) It shall be the duty of the Spindles Board to transmit to the Advisory Committee, in the form of general statistics relating to the cotton spinning industry as a whole, the information obtained by the Board from the returns made to them under the last

preceding subsection, and the Spindles Board may, after consulting the Advisory Committee, publish any of the said statistics in such manner as the Board think proper.

(5) Any document to be served for the purposes of this section on the owner of a cotton mill may be addressed "the owner" of the cotton mill (identifying it by its postal address) without further name or description, and may be served by post.

Powers of entry and inspection.

15.—(1) Any member or officer of the Spindles Board authorised in writing in that behalf by the Board may, on producing his authority, enter at all reasonable times any premises in which the Board have reason to believe that any spinning machinery is being kept, and may inspect the premises or any part thereof and examine any spinning machinery found therein, and may request any person found in the premises who is for the time being in charge of the premises or in control of the work carried on therein to produce to the member or officer, and allow him to examine, such books and other documents, and to furnish to him such information, as he may reasonably require for the purpose of enabling the Spindles Board to give effect to the provisions of this Act.

(2) Every person who obstructs, or who, without reasonable excuse, fails to comply with any request made by, any person in the exercise of his powers under this section shall be liable on summary conviction to a fine not exceeding fifty pounds.

Restrictions on disclosing information obtained under Act.

16. Any person who, otherwise than in connection with the execution of this Act, discloses any information obtained by him by virtue of this Act, shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, or to a fine not exceeding one hundred pounds, or to both such imprisonment and such fine, or on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding fifty pounds, or to both such imprisonment and such fine.

Duty of Spindles Board to enforce Act.

17. It shall be the duty of the Spindles Board to recover all levies and other debts payable to them under this Act, and generally to enforce the provisions of this Act.

Offences committed by corporations.

18. Where any offence under this Act committed by a body corporate is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other officer of the body corporate, he, as well as the body corporate, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Priority of debts in respect of spindles levy.

4 & 5 Geo. 5. c. 59.

3 & 4 Geo. 5. c. 20.

19 & 20 Geo. 5. c. 23.

19. Subsection (1) of section thirty-three of the Bankruptcy Act, 1914, subsection (1) of section one hundred and eighteen of the Bankruptcy (Scotland) Act, 1913, and subsection (1) of section two hundred and sixty-four of the Companies Act, 1929, (which determine what debts shall have priority over other debts in bankruptcy and winding up) shall have effect as if the references in those subsections to local rates included references to sums due on account of the spindles levy, and section seventy-eight of the Companies Act, 1929, shall have effect accordingly.

Annual reports to be made by Spindles Board.

20. As soon as may be after the end of the year beginning on the appointed day, and of each of the next subsequent fourteen years being a year for which the spindles levy is payable, the Spindles Board shall prepare and submit to the Board of Trade a report on the operations of the Spindles Board during that year, and the Board of Trade shall, as soon as may be, lay before each House of Parliament a copy of every report submitted to the Board in pursuance of this section.

Exercise of powers of Board of Trade.

21. Anything required or authorised by or under this Act to be done by, to or before the Board of Trade, may be done by, to or before the President of the Board, any Secretary, Under-Secretary or Assistant Secretary of the Board or any person authorised in that behalf by the President.

Interpretation.

22.—(1) In this Act, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

"accounting period" means—

(*a*) the period beginning at the commencement of this Act and ending six months after the appointed day;

(*b*) the period of six consecutive months beginning on the day immediately following the end of the period mentioned in paragraph (*a*) of this definition, or on the day falling six months after that day, or on the anniversary of either of those days :

" the appointed day " means such day as the Board of Trade, with the consent of the Treasury, may by order determine :

" cotton fibre " does not include waste, from whatever process arising :

" cotton mill " means any premises used, or appropriated for use, by way of trade for the production of single yarn from cotton fibre or artificial fibre or from any mixture of textile fibres comprising cotton fibre or comprising staple rayon fibre or other artificial fibre, and " cotton-spinning " means the production of single yarn as aforesaid :

" cotton spinner " means a person carrying on the business of a cotton mill, whether or not in conjunction with any other business :

" levy year " means a year for which the spindles levy is payable :

" mule spindles " means spindles designed to be used for spinning single yarn on the intermittent spinning machine commonly known in the cotton-spinning industry as the mule :

" ring spindles " means spindles designed to be used in spinning single yarn on a continuous spinning machine with the aid of the mechanism commonly known in the cotton-spinning industry as a traveller and ring, or designed to be so used with the aid of the mechanism commonly known in the said industry as a flyer :

" spindles " means mule spindles or ring spindles :

" spindles expenses " means such expenses of the Spindles Board as are specifically attributable to particular transactions entered into by the Board under section two of this Act, and also expenses incurred by the Board in respect of the insurance of property acquired by them under that section:

"spindles receipts" means such receipts of the Spindles Board as are specifically attributable to particular transactions entered into by the Board under section two of this Act, and also sums received by the Board in respect of the insurance of property acquired by them under that section:

"spinning machinery" means machinery designed or adapted to accommodate spindles, but does not include machinery designed for spinning yarn on the mechanical system commonly known in the cotton-spinning industry as the condenser system or on either of the mechanical systems commonly known in the woollen and worsted sections of the textile industry as the condenser woollen system and the worsted system respectively:

"year" means a period of twelve consecutive months beginning on the appointed day or on the anniversary of that day.

(2) For the purposes of this Act—

(*a*) the owner of a cotton mill at any particular time shall be taken to be the person who, at that time, is or was carrying on, or entitled to carry on, the business of producing yarn in the cotton mill; and

(*b*) the spindle capacity of any spinning machinery at any particular time shall be taken to be a number equal to the total number of mule spindles, or one-and-a-half times the total number of ring spindles, as the case may be, which, the spinning machinery is or was, at that time, capable of accommodating.

Short title and extent.

23.—(1) This Act may be cited as the Cotton Spinning Industry Act, 1936.

(2) This Act shall not extend to Northern Ireland.

SCHEDULE.

Constitution, Remuneration, Quorum, Proceedings, Incidental Functions and Winding up of the Spindles Board.

Section 1.

Incorporation of Board.

1. The Spindles Board shall be a body corporate, with a common seal and power to hold land without licence in mortmain.

Qualification, appointment and remuneration of members of Board.

2. A person shall be disqualified for being a member of the Spindles Board if and so long as he is a member of the Commons House of Parliament, or is either a cotton spinner or a director, officer or servant of an undertaking carrying on the business of a cotton mill.

3. The appointment of any member of the Spindles Board shall, subject to such terms as to removal from office as may be determined by the Board of Trade with the approval of the Treasury, be for such a period not exceeding five years, and shall be subject to such other terms (including terms as to remuneration, whether by salary or by fees and as to expenses), as may be so determined; and any amount which by virtue of this paragraph is payable to any member of the Spindles Board in respect of remuneration or expenses shall be paid to him by the Spindles Board.

4. Subject to the provisions of paragraph 2 of this Schedule, a member of the Spindles Board who ceases to hold office shall be eligible for reappointment to the Board.

Meetings and proceedings of Board.

5. At any meeting of the Spindles Board two shall be a quorum, and the Board shall have power to act notwithstanding any vacancy among the members of the Board.

6. If at any meeting of the Spindles Board the votes are equally divided on any question, the person acting as chairman of the meeting shall have a second or casting vote.

7. Any member of the Spindles Board other than the chairman may appoint a person approved by the Board of Trade

to act as his deputy at any meeting of the Spindles Board which he is unable to attend on account of illness or for any other reason; but the appointment of a deputy under this paragraph shall be for such period, and subject to such conditions, as the Board of Trade may determine.

8. All acts done at any meeting of the Spindles Board shall, notwithstanding that it is afterwards discovered that there was some defect in the appointment or qualification of a person purporting to be a member, or the deputy of a member, of the Board, be as valid as if that defect had not existed.

9. Minutes shall be kept of the proceedings of the Spindles Board, and any such minutes shall, if signed by the person purporting to have acted as chairman of the meeting to which they relate or of a meeting at which they were read, be evidence of the proceedings at the first-mentioned meeting; and the meeting to which any such minutes relate shall, until the contrary is proved, be deemed to have been regularly convened and constituted.

10. Subject to the provisions of this Schedule, the Spindles Board shall have power to regulate their own procedure.

Incidental functions of Board.

11. The Spindles Board—

(*a*) may employ a secretary and such other officers, and such servants and agents, as the Board think fit, and, subject to the provisions of this Act, may pay to their secretary, officers, servants and agents such remuneration as the Board may determine;

(*b*) shall have an office at which communications and notices will at all times be received, and shall notify to the Board of Trade the address of that office and any change in that address; and

(*c*) may enter into such agreements, acquire such property, and do such things, as may in the opinion of the Spindles Board, be necessary or desirable for the purpose of exercising or performing any of their powers or duties, and may dispose, as they think fit, of any property acquired by them under this paragraph.

12. Any moneys for the time being standing to the credit of the spindles fund or the general fund may be left on current or deposit account in any bank, or invested in any securities in which a trustee may lawfully invest trust moneys by virtue of the powers conferred by section one of the Trustee Act, 1925, as extended by any subsequent enactment.

15 & 16 Geo. 5. c. 19.

The Common Seal.

13. The application of the common seal of the Spindles Board to any document shall be attested by at least one member of the Board and by the secretary of the Board.

Instruments executed or issued by Board.

14. Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal, may be entered into or executed on behalf of the Spindles Board by any person generally or specially authorised by them for the purpose.

15. A contract entered into by the Spindles Board shall not be avoided by reason only that a member of the Board is a party thereto or interested therein, and a member of the Board who is a party to, or interested in, a contract with the Board shall not, by reason only that he is a member of the Board, be liable to account to the Board for any profit realised by him by reason of the contract; but if a member of the Board has any pecuniary interest, direct or indirect, in any contract or proposed contract or other matter, and is present at a meeting of the Board at which the contract or other matter is a subject of consideration, he shall at the meeting, as soon as practicable after the commencement thereof, disclose the fact, and shall not take any part in the consideration or discussion of, or vote on any question with respect to, the contract or other matter.

Any reference in this paragraph to a member of the Spindles Board shall be construed as including a reference to his deputy.

16. Any document purporting to be a document duly executed or issued under the seal of the Spindles Board or on behalf of the Board shall, until the contrary is proved, be deemed to be a document so executed or issued, as the case may be.

Winding up of Board.

17. Part X of the Companies Act, 1929, shall have effect in relation to the Spindles Board, subject to the following modifications, that is to say:—

(*a*) for the purpose of section three hundred and thirty-eight of the Companies Act, 1929, the principal place of business of the Spindles Board shall be deemed to be their office for the time being, as notified to the Board of Trade in accordance with this Schedule;

(*b*) sub-paragraph (ii) of paragraph (*e*) of subsection (1) of section three hundred and thirty-eight of the Companies Act, 1929, shall not apply, and sub-paragraph (iii) of that paragraph shall have effect as if the words " or any member thereof as such " were omitted;

(*c*) a petition for winding up the Spindles Board may be presented by the Board of Trade as well as by any person authorised under the provisions of the Companies Act, 1929, to present a petition for winding up a company; and

(*d*) no person shall, in the event of the winding up of the Spindles Board, be liable to contribute to the assets of the Board by reason only of his being or having been a member of the Board.

18. Upon the winding up of the Spindles Board any assets of the Board remaining after the payment of the debts and liabilities of the Board and the costs and expenses of the winding up, shall be applied in paying to the Board of Trade such sum (if any) as would be payable to them by the Spindles Board if any amounts paid by the Board of Trade to the Spindles Board under section ten of this Act had been paid by way of loans bearing interest at the rate of two-and-a-half per cent. per annum, but, subject as aforesaid, shall be applied for the benefit of the cotton-spinning industry in Great Britain in such manner as the Board of Trade may direct.

CHAPTER 22.

An Act to carry out certain draft International Conventions relating to the employment of women during the night and to hours of work in automatic sheet-glass works, to amend the law relating to the hours of employment of women holding responsible positions of management who are not ordinarily engaged in manual work, and for purposes connected with the matters aforesaid. [14th July 1936.]

WHEREAS at its Eighteenth Session held at Geneva in June, nineteen hundred and thirty-four, the General Conference of the International Labour Organisation adopted two draft Conventions entitled " the Night

Work (Women) Convention (Revised) 1934," and "the Sheet-Glass Works Convention, 1934," and containing (together with other provisions) the provisions set out in Part I and Part II of the Schedule to this Act respectively;

And whereas the first of the said draft Conventions is intended to replace the Convention containing the provisions set out in Part III of the Schedule to the Employment of Women, Young Persons and Children Act, 1920;

10 & 11 Geo. 5. c. 56.

And whereas it is expedient that for the purposes of, and in connection with, the ratification of the said draft Conventions, the provisions contained in this Act should have effect:

Be it therefore enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Restriction on the employment of women by night in industrial undertakings.

1.—(1) No woman shall be employed at night in any industrial undertaking except to the extent to which, and in the cases in which, such employment is permitted under the provisions of the Night Work (Women) Convention (Revised) 1934, set out in Part I of the Schedule to this Act.

(2) This section, so far as it relates to employment in coal mines, metalliferous mines and quarries, and factories and workshops, shall have effect as if it formed part of the Coal Mines Act, 1911, and the Acts amending that Act, the Metalliferous Mines Regulation Acts, 1872 and 1875, and the Factory and Workshop Acts, 1901 to 1929, respectively.

1 & 2 Geo. 5. c. 50.

If in any place other than the places aforesaid a person employs a woman in contravention of this section, he shall be liable on summary conviction to a fine not exceeding twenty pounds, and an inspector appointed under the Factory and Workshop Acts, 1901 to 1929, shall, in relation to the case, have the same powers and duties as if the place in which the woman is employed were a factory or workshop.

(3) So much of section one of the Employment of Women, Young Persons and Children Act, 1920, as relates to the employment of women is hereby repealed.

Exemption of women in managerial positions from enactments limiting times of employment.
1 Edw. 7. c. 22.

2. Sections twenty-three to thirty-five of the Factory and Workshop Act, 1901, and sections ninety-two to ninety-five of the Coal Mines Act, 1911 (which limit the times of employment of women, young persons and children in factories, workshops and coal mines) shall not apply in relation to women holding responsible positions of management who are not ordinarily engaged in manual work.

Hours of work in automatic sheet-glass works.

3.—(1) The following provisions shall have effect for the purpose of carrying out the Sheet-Glass Works Convention, 1934:—

(*a*) no person to whom the Convention applies shall be employed except in accordance with a system providing for at least four shifts of workers with hours of work not greater and intervals not less than those specified in paragraphs (*b*), (*c*), and (*d*) of this subsection, being a system of which due notice is given in accordance with the provisions of subsection (2) of this section;

(*b*) the hours of work of any such person shall not exceed one hundred and sixty-eight in any continuous period of four weeks;

(*c*) the length of a spell of work of any such person shall not exceed eight hours;

(*d*) the interval between successive spells of work of any such person shall not be less than sixteen hours, except that this interval may where necessary be reduced on the occasion of the periodical change-over of shifts:

Provided that in the following cases, that is to say—

(i) in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of force majeure; or

(ii) in order to make good the unforeseen absence of one or more members of a shift,

the limits of hours and the intervals which would otherwise have to be observed and allowed under this subsection may be departed from, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking.

(2) Due notice shall not be deemed to be given of a system of employment unless—

(*a*) a notice is kept posted in a conspicuous position in the works giving particulars of the system and in particular specifying the number of shifts and the hours on each day at which the spells of work for each shift begin and end, and a copy of that notice has been delivered to the inspector of factories for the district in which the works are situate; and

(*b*) in the case of a change of the system of employment, a notice specifying the change has been kept posted in the works for at least one month before the date on which the change takes effect and a copy thereof has been delivered to the inspector of factories for the district in which the works are situate before the beginning of that month.

(3) Where by virtue of the proviso to subsection (1) of this section additional hours are worked by any person to whom the Convention applies, compensation for the hours so worked shall be granted by the employer in such manner as may be agreed between the organisations of employers and workers concerned or as may, in default of such agreement, be determined by such method as may be prescribed by the Secretary of State after consulting the Minister of Labour.

Every person who employs any person to whom the Convention applies shall keep a record in such form as may be prescribed by the Secretary of State of all hours so worked and the compensation granted in respect thereof.

(4) If any person employs another person in contravention of the provisions of this section or fails to comply with the requirements of subsection (3) of this section, he shall in respect of each offence be liable on summary conviction to a fine not exceeding twenty pounds.

(5) An inspector appointed under the Factory and Workshop Acts, 1901 to 1929, shall have the same

powers and duties for the purpose of the execution of the provisions of this section as he would have if those provisions were provisions of the said Acts.

(6) In this section, the expression " person to whom the Convention applies " means a person to whom the Convention is expressed to apply by Article One thereof as set out in Part II of the Schedule to this Act.

Interpretation, &c.

4.—(1) In this Act—

" Woman " means a woman of the age of eighteen years or upwards;

" Industrial undertaking " has the meaning assigned to it in the provisions set out in Part I of the Schedule to this Act.

(2) Save as therein expressly provided, the provisions of this Act are in addition to and not in derogation of any of the provisions of any other Act limiting times of employment.

Provisions as to Northern Ireland.

5.—(1) This Act shall apply to Northern Ireland subject to the following modifications :—

(*a*) for any reference to the Factory and Workshop Acts, 1901 to 1929, there shall be substituted a reference to the Factory and Workshop Acts, 1901 to 1920;

(*b*) for the words " the Secretary of State after consulting the Minister of Labour " and the words " the Secretary of State " there shall be substituted the words " the Minister of Labour for Northern Ireland."

10 & 11 Geo. 5. c. 67

(2) For the purposes of section six of the Government of Ireland Act, 1920, this Act shall, so far as it relates to matters within the powers of the Parliament of Northern Ireland, be deemed to be an Act passed before the appointed day within the meaning of that section.

Short title and commencement.

6.—(1) This Act may be cited as the Hours of Employment (Conventions) Act, 1936.

(2) This Act shall come into force on such day as His Majesty in Council may appoint and different days may be appointed for different purposes and different provisions of this Act.

SCHEDULE.

Part I.

Sections 1 and 4.

Night Work (Women) Convention (Revised), 1934.

Article 1.

1. For the purpose of this Convention, the term "industrial undertaking" includes particularly:

(*a*) Mines, quarries, and other works for the extraction of minerals from the earth;

(*b*) Industries in which articles are manufactured, altered, cleaned, repaired, ornamented, finished, adapted for sale, broken up or demolished, or in which materials are transformed, including shipbuilding, and the generation, transformation, and transmission of electricity or motive power of any kind;

(*c*) Construction, reconstruction, maintenance, repair, alteration, or demolition of any building, railway, tramway, harbour, dock, pier, canal, inland waterway, road, tunnel, bridge, viaduct, sewer, drain, well, telegraphic or telephonic installation, electrical undertaking, gas work, water work, or other work of construction, as well as the preparation for or laying the foundations of any such work or structure.

2. The competent authority in each country shall define the line of division which separates industry from commerce and agriculture.

Article 2.

1. For the purpose of this Convention, the term "night" signifies a period of at least eleven consecutive hours, including the interval between ten o'clock in the evening and five o'clock in the morning.

Article 3.

Women without distinction of age shall not be employed during the night in any public or private industrial undertaking, or in any branch thereof, other than an undertaking in which only members of the same family are employed.

Article 4.

Article 3 shall not apply—

(*a*) In cases of *force majeure*, when in any undertaking there occurs an interruption of work which it was impossible to foresee, and which is not of a recurring character;

(*b*) In cases where the work has to do with raw materials or materials in course of treatment which are subject to rapid deterioration, when such night work is necessary to preserve the said materials from certain loss.

Article 6.

In industrial undertakings which are influenced by the seasons and in all cases where exceptional circumstances demand it, the night period may be reduced to ten hours on sixty days of the year.

Article 8.

This Convention does not apply to women holding responsible positions of management who are not ordinarily engaged in manual work.

Section 3.

PART II.

SHEET-GLASS WORKS CONVENTION, 1934.

Article 1.

1. This Convention applies to persons who work in successive shifts in necessarily continuous operations in sheet-glass works which manufacture by automatic machines sheet-glass or other glass of the same characteristics which only differs from sheet-glass in thickness and other dimensions.

2. By necessarily continuous operations are meant all operations which, on account of the automatic and continuous character of the feeding of the molten glass to the machines and the working of the machines, are necessarily carried on without a break at any time of the day, night or week.

Article 2.

1. The persons to whom this Convention applies shall be employed under a system providing for at least four shifts.

2. The hours of work of such persons shall not exceed an average of forty-two per week.

3. This average shall be calculated over a period not exceeding four weeks.

4. The length of a spell of work shall not exceed eight hours.

5. The interval between two spells of work by the same shift shall not be less than sixteen hours: Provided that this interval may where necessary be reduced on the occasion of the periodical change-over of shifts.

Article 3.

1. The limits of hours prescribed in paragraphs 2, 3 and 4 of Article 2 may be exceeded and the interval prescribed in paragraph 5 reduced, but only so far as may be necessary to avoid serious interference with the ordinary working of the undertaking—

(*a*) in case of accident, actual or threatened, or in case of urgent work to be done to machinery or plant, or in case of *force majeure;* or

(*b*) in order to make good the unforeseen absence of one or more members of a shift.

2. Adequate compensation for all additional hours worked in accordance with this Article shall be granted in such manner as may be determined by national laws or regulations or by agreement between the organisations of employers and workers concerned.

Article 4.

In order to facilitate the effective enforcement of the provisions of this Convention every employer shall be required:

(*a*) to notify, by the posting of notices in conspicuous positions in the works or other suitable place or by such other method as may be approved by the competent authority, the hours at which each shift begins and ends;

(*b*) not to alter the hours so notified except in such manner and with such notice as may be approved by the competent authority; and

(*c*) to keep a record in the form prescribed by the competent authority of all additional hours worked in pursuance of Article 3 of this Convention and of the compensation granted in respect thereof.

CHAPTER 23.

An Act to amend the law in relation to the issue of motor driving licences. [14th July 1936.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Exemption of steersmen from certain provisions as to issue of licences.

20 & 21 Geo. 5. c. 43.

1.—(1) Notwithstanding the provisions of subsection (1) of section four of the Road Traffic Act, 1930, a person who is not the holder of a licence to drive a motor vehicle issued under Part I of that Act may act as steersman of a motor vehicle (being a vehicle on which a speed limit of five miles per hour or less is imposed by or under section ten of that Act) under the orders of another person engaged in the driving of the vehicle who is licensed in that behalf in accordance with the requirements of the Road Traffic Acts, 1930 to 1934, and a person may employ a person who is not the holder of such a licence so to act.

24 & 25 Geo. 5. c. 50.

(2) Notwithstanding the provisions of subsection (1) of section thirty-one of the Road Traffic Act, 1934, a person who is not licensed as mentioned in that subsection may act as aforesaid in relation to such a vehicle as aforesaid being a heavy goods vehicle, and a person may employ a person who is not licensed as mentioned in that subsection so to act.

Issue of provisional licences with a view to testing of heavy vehicle drivers.

2.—(1) Notwithstanding the provisions of subsection (7) of section thirty-one of the Road Traffic Act, 1934, whereby it is enacted that a licence to drive a heavy goods vehicle granted under that section shall, unless previously revoked, continue in force for three years, the licensing authority may, for the purpose of enabling an applicant to learn to drive such a vehicle with a view to passing a test under subsection (5) of that section, issue such a licence so as to continue in force, unless previously revoked, for three months from the date on which it is expressed to take effect.

(2) A licence issued as aforesaid shall be issued as a provisional licence subject to the prescribed conditions,

and if any person to whom a licence is issued as aforesaid fails to comply with any of the conditions subject to which it is issued, he shall be guilty of an offence.

(3) A person to whom a licence is issued as aforesaid shall not be deemed by virtue of his being the holder of that licence to be the holder of a licence within the meaning of subsection (9) of the said section thirty-one (which relates to appeals by holders of licences).

Issue of licences appropriate to test.

3.—(1) Where, under section six of the Road Traffic Act, 1934, any person is required to pass the prescribed test of competence to drive, and the test passed by him is a test prescribed under subsection (5) of that section with respect only to the driving of any specified class or description of vehicles, the licence granted to him under Part I of the Road Traffic Act, 1930, shall specify that class or description of vehicles, and he shall be deemed not to be the holder of a licence granted under that Part of that Act to drive motor vehicles of any other class or description.

(2) For the purpose of enabling the licensing authority where an applicant for a licence under section thirty-one of the Road Traffic Act, 1934, is subjected to a test to limit the licence to a class or classes of vehicles to which that test is appropriate, the Minister may make regulations prescribing the class or classes of vehicles to which such licences may be limited under subsection (4) of that section.

Short title, citation, construction and extent.

4.—(1) This Act may be cited as the Road Traffic (Driving Licences) Act, 1936, and this Act and the Road Traffic Acts, 1930 to 1934, may be cited together as the Road Traffic Acts, 1930 to 1936.

(2) Subsection (1) of section one and subsection (1) of section three of this Act shall be construed as one with Part I of the Road Traffic Act, 1930, and subsection (2) of section one, section two, and subsection (2) of section three of this Act shall be construed as one with Part IV of that Act.

(3) This Act shall not extend to Northern Ireland.

CHAPTER 24.

An Act to make provision for the employment of women and young persons in factories and workshops on a system of shifts, and for purposes connected with the matter aforesaid.

[14th July 1936.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Employment of women and young persons in shifts.

1.—(1) The Secretary of State may, upon the application of the occupier of any factory or workshop, authorise in the factory or workshop, or in any department thereof, the employment of women and young persons of the age of sixteen years and upwards on a system of shifts whereby each shift may be employed between such times as may be specified in the authorisation being times during the period between the hours of six in the morning and ten in the evening on any weekday except Saturday, and between the hours of six in the morning and two in the afternoon on any Saturday, so however that, subject as hereinafter provided, the system of shifts shall be such that the hours for each shift shall not exceed an average of eight hours per day:

Provided that, where the work or process for which the system of shifts is authorised is not carried on on more than five days in each week, the system may be such that the hours exceed the said average per day but so that the hours are not more than ten in any day and in the aggregate exceed neither forty-eight hours in any week nor eighty-eight hours in any two consecutive weeks.

1 Edw. 7. c. 22.

(2) The Secretary of State shall, by Special Order made under section one hundred and twenty-six of the Factory and Workshop Act, 1901 (hereinafter referred to as "the principal Act"), make provision as to the manner in which workpeople concerned are to be consulted and for the ascertainment of their opinions

by secret ballot before any application is granted under this section, and, subject as hereinafter provided, no such application shall be granted unless the Secretary of State is satisfied that the requirements of the Special Order have been complied with and that the majority of the workpeople concerned consent to the granting of the application :

Provided that, where the Secretary of State is satisfied that the application relates to a factory or workshop which is about to be, or has recently been, newly established and that the system of shifts is intended to be permanently adopted therein for the employment of women and young persons of the age of sixteen years and upwards, the application may be granted without any such consultation, ballot or consent as aforesaid.

(3) If upon any application made under this section it appears to the Secretary of State that the employment of women and young persons in accordance with the application is required only for the purpose of making provision for a temporary emergency or for temporary pressure of work not being of a seasonal and recurring character, any authorisation given by the Secretary of State shall be limited to such period as appears to him to be necessary for the purpose, but may, if necessary, be subsequently extended by him if the temporary emergency or temporary pressure of work continues.

(4) In granting any application under this section, the Secretary of State shall impose such conditions as he considers necessary for the purpose of safeguarding the welfare and interests of the persons employed on the system of shifts, and in considering any such conditions shall, in particular, consider the expediency of requiring the provision of suitable accommodation for clothing and of facilities for meals and of transport facilities for workers residing at a distance, and in the case of young persons of reasonable facilities for attendance at continuation schools.

(5) The Secretary of State may direct that the duty of dealing with applications for such temporary purposes as are mentioned in subsection (3) of this section may be performed by the chief inspector of factories or by any

superintending inspector of factories, and while such a direction is in force references in this section to the Secretary of State shall, in relation to such applications as aforesaid, be construed as including references to the inspector :

Provided that no authorisation given by an inspector shall be given or extended so as to have effect for more than six months.

Discontinuance of shift system.

2.—(1) Where it appears to the Secretary of State that any conditions imposed upon the granting of any authorisation under this Act have not been complied with or that abuses of any description have arisen out of the employment of any persons on the system of shifts, he may revoke the authorisation.

(2) Whenever in any factory or workshop, or in any department of a factory or workshop, the employment of women and young persons on a system of shifts in accordance with an authorisation given under this Act is discontinued, or is, after being discontinued, resumed, the occupier of the factory or workshop shall forthwith give notice in writing of the discontinuance or resumption to the inspector of factories for the district in which the factory or workshop is situated, and if he fails to do so he shall be liable to a fine not exceeding five pounds.

(3) If in any factory or workshop, or in any department thereof for which such an authorisation has been given, a period exceeding twelve months has at any time elapsed throughout which the employment of women and young persons on a system of shifts in accordance with the authorisation has not been in operation, the Secretary of State may revoke the authorisation, and if such employment has not been in operation during a period exceeding twenty-four months, the authorisation shall be deemed to be revoked.

General power to make orders as to welfare and interests of young persons employed in shifts.

3. The Secretary of State may by order direct that such conditions as he considers necessary for the purpose of safeguarding the welfare and interests of the persons employed shall apply to the employment in day shifts of young persons who may lawfully be so employed under the provisions of the Factory and Workshop Acts, 1901 to 1929.

Contravention of conditions.

4. If the conditions imposed by any authorisation given, or order made, under this Act are not complied with in the case of any factory or workshop, then—

(*a*) where the condition relates to the employment of a woman or young person, the woman or young person shall be deemed to be employed contrary to the provisions of the principal Act; and

(*b*) in any other case the factory or workshop shall be deemed not to be kept in conformity with the principal Act.

Short title, construction, commencement, repeal and extent.

5.—(1) This Act may be cited as the Employment of Women and Young Persons Act, 1936, and shall be construed as one with the principal Act, and this Act and the Factory and Workshop Acts, 1901 to 1929, may be cited together as the Factory and Workshop Acts, 1901 to 1936.

(2) This Act shall come into operation on the first day of January, nineteen hundred and thirty-seven.

(3) Section two of the Employment of Women, Young Persons and Children Act, 1920, is hereby repealed: 10 & 11 Geo. 5. c. 65.

Provided that any order made under that section authorising the employment of women or young persons in shifts and in force immediately before the commencement of this Act shall have effect as if it were an authorisation granted under this Act.

(4) This Act shall not extend to Northern Ireland.

CHAPTER 25.

An Act to amend the Pensions (Governors of Dominions, &c.) Acts, 1911 and 1929.

[14th July 1936.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:—

Pensions to certain Governors with three years' service.

1.—(1) Where a person who has served as a Governor on or after the first day of January nineteen hundred and thirty-six was, immediately before his appointment as a Governor, employed in service in the permanent Civil Service of the State, then if—

(*a*) he has completed not less than three years' service as a Governor, and

(*b*) the total period of his service as a Governor and of his service in the permanent Civil Service of the State amounts to not less than ten years,

1 & 2 Geo. 5. c. 24.

a pension may, subject to the provisions of the Pensions (Governors of Dominions, &c.) Act, 1911 (hereafter in this Act referred to as "the principal Act"), be granted to him under that Act in respect of his service as a Governor; and accordingly section one of the principal Act shall have effect in relation to him as if the reference in that section to ten years' service were a reference to three years' service, and the said pension shall be deemed, for the purposes of the Pensions (Governors of Dominions, &c.) Acts, 1911 and 1929, and of this Act, to be a pension under section one of the principal Act.

(2) A person who has served as a Governor on or after the first day of January nineteen hundred and thirty-six and who, before his appointment as a Governor, has served in the office of Governor-General of the Anglo-Egyptian Sudan, shall be treated, for the purpose of the preceding subsection, as if his service in that office had been service in the permanent Civil Service of the State.

(3) In relation to any person who has served on or after the first day of January nineteen hundred and thirty-six as Governor-General of the Anglo-Egyptian Sudan, and who, immediately before his appointment as such Governor-General, was serving as a Governor, subsection (1) of this section shall, notwithstanding that his service as a Governor was completed before that date, apply in the same way as that subsection would apply if he had served as a Governor on or after that date.

(4) Section three of the Pensions (Governors of Dominions, &c.) Act, 1929, shall have effect as if in subsection (1) of that section there were substituted for the words " ten years' service " the words " the requisite number of years' service ".

19 & 20 Geo. 5. c.16.

(5) This section shall be deemed to have come into operation on the first day of January, nineteen hundred and thirty-six.

Taking into account of service in Sudan Civil Service.

2. For the purposes of the Pensions (Governors of Dominions, &c.) Acts, 1911 and 1929, and of this Act (except for the purpose of subsection (2) of section five of the principal Act), the expression " service in the permanent Civil Service of the State " shall be deemed to include, and always to have included, any such service in an office under the Government of the Anglo-Egyptian Sudan as qualifies a holder of the office to receive a pension out of the revenues of the Anglo-Egyptian Sudan, but shall not, in relation to any particular Governor, be construed as including any service in such an office as aforesaid in respect of which a pension has been granted to him before the completion of his service as a Governor.

Special pensions in respect of Governor's service preceding service as Governor-General of Sudan.

3.—(1) Where any person who, having served as a Governor and having subsequently served in the office of Governor-General of the Anglo-Egyptian Sudan, has not become entitled, under or by virtue of any of the provisions of the Pensions (Governors of Dominions, &c.) Acts, 1911 and 1929, to receive a pension in respect of his service as a Governor, retires from the said office, the Secretary of State, with the approval of the Treasury, or the Treasury, as the case may be, may grant to him in respect of his service as a Governor such pension, if any, as might have been granted to him in respect of that service under or by virtue of any of the said provisions, if, on the completion of his service as a Governor, he had retired on the ground on which, at the age at which, and otherwise in the circumstances in which, he retires from the said office.

Every minute of the Secretary of State or the Treasury granting a pension under this subsection to a person who retires from the said office on the ground of age, before attaining the age of sixty years, shall set forth the amount of the pension and the reasons for the grant, and shall be laid before Parliament.

(2) A pension may be granted in respect of service in the permanent Civil Service of the State to a person who receives a pension under the preceding subsection, in the same manner as if he had received a pension under section one of the principal Act.

Short title, construction and citation.

4. This Act may be cited as the Pensions (Governors of Dominions, &c.) Act, 1936, and shall be construed as one with the Pensions (Governors of Dominions, &c.) Acts, 1911 and 1929; and those Acts and this Act may be cited together as the Pensions (Governors of Dominions, &c.) Acts, 1911 to 1936.

CHAPTER 26.

An Act to amend the procedure under the Land Registration Act, 1925, for the making of orders declaring the registration of title to land to be compulsory on sale; to provide for the partial closing of, and otherwise amend the law with respect to, the Middlesex Deeds Registry; to amend subsection (4) of section seventy-five of the Land Registration Act, 1925; to amend the law with respect to the Insurance Fund established under the Land Transfer Act, 1897, and the fees payable under the Land Registration Act, 1925; and for purposes connected with the matters aforesaid. [14th July 1936.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendment of s. 122 of 15 & 16 Geo. 5. c. 21.

1. Section one hundred and twenty-two of the Land Registration Act, 1925 (which relates to the procedure for the making, otherwise than at the instance of a county council, of orders declaring registration of title to land to be compulsory on sale) shall have effect

and be deemed always to have had effect as if in paragraph (i) thereof the words "and not more than eighteen months before the date on which it is to take effect" were omitted.

Closing of Middlesex Deeds Registry.

2.—(1) In this section, the expression "the Middlesex Deeds Acts" means the Middlesex Registry Act, 1708, and the Land Registry (Middlesex Deeds) Act, 1891, as amended by or under any other Act, the expression "the Middlesex Deeds Register" means the memorials registered under the Middlesex Deeds Acts, and the indexes and other documents relating thereto, the expression "instrument" includes any document a memorial whereof is or would but for the provisions of this section be capable of registration under the Middlesex Deeds Acts, and the expression "the appointed day" means the day on which registration, under the Land Registration Act, 1925, of title to land becomes compulsory on sale throughout the administrative county of Middlesex.

7 Anne c. 20.
54 & 55 Vict. c. 64.

15 & 16 Geo. 5. c. 21.

(2) It shall not be necessary or permissible to register under the Middlesex Deeds Acts a memorial of any instrument made after the appointed day.

(3) No memorial of any other instrument shall be registered under the Middlesex Deeds Acts after the expiration of two years beginning on the appointed day, but nothing in this subsection shall affect the consequences which flow under those Acts from failure to register.

(4) Nothing in the foregoing provisions of this section shall be construed as prohibiting the making, in accordance with rules made under the Middlesex Deeds Acts, of any entry in the Middlesex Deeds Register signifying that a mortgage, a memorial whereof has been registered under the Middlesex Deeds Acts, has been discharged, but no such entry shall be made after the expiration of two years beginning on the appointed day.

(5) On and after the appointed day no search shall be made in the Middlesex Deeds Register except by the Chief Land Registrar or his officers.

(6) The provisions of section one hundred and twenty-six of the Land Registration Act, 1925, requiring

the Land Registry to be in London shall not be construed as prohibiting the removal of the Middlesex Deeds Register to a place outside London.

Amendments of s. 75 of 15 & 16 Geo. 5. c. **21.**

3.—(1) The amendments specified in this section shall be made in subsection (4) of section seventy-five of the Land Registration Act, 1925 (which provides for indemnities to persons prejudicially affected by the registration of other persons as proprietors of registered estates by virtue of titles acquired under the Limitation Acts).

(2) The proviso to the said subsection (which prohibits the payment of any indemnity thereunder unless it can be paid without recourse to the Consolidated Fund) shall be repealed.

(3) At the end of the said subsection (4) there shall be inserted the following paragraph :—

> " An applicant for compensation under this section may appeal to the court from any refusal of the Registrar to award to him indemnity or against any decision of the Registrar as to the amount of any indemnity awarded, and in the event of any such appeal the applicant shall not be required to pay any costs except his own, even if unsuccessful, unless the court considers that the appeal is unreasonable.
>
> In determining whether or not an indemnity is to be awarded under this section and in determining the amount of any such indemnity, regard shall be had, amongst other considerations, to the question whether or not the applicant and his predecessors in title have by negligence caused or contributed to the loss."

(4) In the said subsection (4) the words " in like " manner as if such purchaser or person had suffered loss " by the rectification of the register " shall be repealed.

Surrender of part of assets of land registration insurance fund.

4.—(1) The assets of the insurance fund at the commencement of this Act, except assets equal in value to the sum of one hundred thousand pounds, shall be applied at such time and in such manner as the Treasury may direct towards the redemption of the national debt.

(2) In this Act the expression "the insurance fund" means the insurance fund established under the Land Transfer Act, 1897.

60 & 61 Vict. c. 65.

Provisions for standardizing value of assets of insurance fund.

5.—(1) If at the end of any financial year the value of the assets of the insurance fund exceeds the standard value, an amount equal to the excess shall, at such time as the Treasury may direct, be paid out of the insurance fund into the Exchequer:

Provided that, if any part of that excess is attributable to a reduction of the standard value in that financial year, so much of the said amount as is equal to that part of the excess shall, in lieu of being paid into the Exchequer, be applied at such time and in such manner as the Treasury may direct towards the redemption of the national debt.

(2) If the insurance fund is at any time insufficient to pay indemnity for any loss chargeable thereon, an amount equal to the deficiency shall be paid to that fund out of the Consolidated Fund or the growing produce thereof, and if at any time it appears to the Lord Chancellor and the Treasury that the value of the assets of the insurance fund falls substantially short of the standard value, there shall be paid to the insurance fund out of the Consolidated Fund or the growing produce thereof such sum as the Treasury may think fit, not being more than the amount required to raise the value of the assets of the insurance fund, after paying any sums which have become payable therefrom, to the standard value; and subsection (4) of section eighty-five of the Land Registration Act, 1925 (which provides that, if the insurance fund is insufficient to pay indemnity for certain losses chargeable thereon, the deficiency shall be paid out of the Consolidated Fund), shall cease to have effect.

(3) In this section the expression "the standard value" means one hundred thousand pounds or such greater or less sum as may from time to time be fixed by the Lord Chancellor and the Treasury.

Certain indemnities to be defrayed

6. Any indemnity payable under section seventy-five or section eighty-three of the Land Registration Act, 1925, shall be payable out of the insurance fund and accordingly in subsection (1) of section eighty-five of the out of insurance fund.

said Act for the words " by reason of the rectification or non-rectification of the register " there shall be substituted the words " under section seventy-five or section eighty-three of this Act ".

Amendments as to fees.

7. Subsection (4) of section one hundred and forty-five of the Land Registration Act, 1925, shall cease to have effect, and the fee orders made under that Act relating and incidental to registration of title shall be arranged from time to time so as to produce—

(*a*) amounts sufficient to discharge the salaries and other expenses incidental to the working of that Act (including such sums as, in the opinion of the Treasury, approximately represent the accruing liability attributable to the working of that Act in respect of pensions, allowances and gratuities under the Superannuation Acts, 1834 to 1935, as amended by any subsequent enactments);

(*b*) such further amounts as are in the opinion of the Lord Chancellor and the Treasury reasonable, regard being had to any indemnities theretofore paid, and to the contingency that indemnities may thereafter become payable, under that Act.

Provision as to determination of value.

8. Any question arising under this Act as to the value of any assets of the insurance fund shall be determined by the Treasury.

Short title, construction, citation and repeal.

9.—(1) This Act may be cited as the Land Registration Act, 1936, and shall be construed as one with the Land Registration Act, 1925, and that Act and this Act may be cited together as the Land Registration Acts, 1925 and 1936.

(2) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

SCHEDULE.

Section 9.

Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
15 & 16 Geo. 5. c. 21.	The Land Registration Act, 1925.	In subsection (4) of section seventy-five from the words "in like manner" to the end of the subsection; subsection (4) of section eighty-five; in section one hundred and twenty-two, the words "and not more than "eighteen months before the "date on which it is to take "effect"; and subsection (4) of section one hundred and forty-five.

CHAPTER 27.

An Act to make provision with respect to the transfer of petroleum-spirit licences granted under the Petroleum (Consolidation) Act, 1928.

[14th July 1936.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Transfer of petroleum-spirit licences.

18 & 19 Geo. 5. c.32.

1.—(1) The local authority empowered under the Petroleum (Consolidation) Act, 1928, to grant petroleum-spirit licences may transfer a petroleum-spirit licence granted by such an authority, by endorsement of the licence or otherwise, and the Secretary of State may transfer in like manner a petroleum-spirit licence granted by him.

(2) As from the date on which a petroleum-spirit licence is transferred—

(*a*) the licence shall authorise the keeping of petroleum-spirit by the transferee and shall cease to authorise the keeping thereof by any other person;

(*b*) the said Act shall have effect in relation to the licence as if for references in the said Act to the person to whom the licence was granted there had been substituted references to the transferee, and the licence shall have effect, unless the context otherwise requires, as if the like substitution had been made in the licence;

(*c*) subject as aforesaid, the licence shall have the like effect in all respects as if no transfer had been made.

(3) The said Act shall have effect, and shall be deemed always to have had effect, as if the foregoing provisions of this section had been contained in the said Act as originally enacted.

(4) In respect of a transfer of a petroleum-spirit licence made after the commencement of this Act, there shall be payable by the transferee to the local authority or to the Secretary of State, as the case may be, a fee of two shillings and sixpence.

Short title, citation and construction.

2. This Act may be cited as the Petroleum (Transfer of Licences) Act, 1936, and shall be construed as one with the Petroleum (Consolidation) Act, 1928, and that Act and this Act may be cited together as the Petroleum (Regulation) Acts, 1928 and 1936.

CHAPTER 28.

An Act to provide for the application of the Shops Acts, 1912 to 1934, to premises and places where the business of lending books or periodicals is carried on for purposes of gain.

[14th July 1936.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows :—

Extension to lending libraries of the Shops Acts, 1912 to 1934.

1.—(1) For the purposes of the Shops Acts, 1912 to 1934, the expression "retail trade or business" shall include the business of lending books or periodicals when carried on for purposes of gain; and accordingly subsection (1) of section nineteen of the Shops Act, 1912, shall be amended by inserting after the words "or intoxicating liquors" the words "the business of lending books or periodicals when carried on for purposes of gain."

2 & 3 Geo. 5. c. 3.

(2) Subsection (2) of the said section nineteen shall be amended by inserting after the words "from which no private profit is derived" the words following :—

> "or to any library at which the business of lending books or periodicals is not carried on for purposes of gain other than that of making profits for some philanthropic or charitable object (including any religious or educational object) or for any club or institution which is not itself carried on for purposes of gain."

(3) Notwithstanding anything in the foregoing provisions of this Act, the Shops Acts, 1912 to 1934, shall not apply to any library which, on the first day of January, nineteen hundred and thirty-six, was carried on by a society registered under the Industrial and Provident Societies Acts, 1893 to 1928, mainly for the purpose of affording to its members means of education or recreation, so long as the following conditions are complied with, that is to say :—

(*a*) that the library continues to be carried on by the society mainly for the purpose aforesaid;

(*b*) that no pecuniary profit is directly derived from the lending of books or periodicals at or from the library;

(*c*) that no person employed about the business of any shop occupied by the society is engaged about the business of the library.

Short title, citation, extent and commencement.

2.—(1) This Act may be cited as the Shops Act, 1936, and this Act and the Shops Acts, 1912 to 1934, may be cited together as the Shops Acts, 1912 to 1936.

(2) This Act shall not extend to Northern Ireland.

(3) This Act shall come into operation on the first day of January, nineteen hundred and thirty-seven.

CHAPTER 29.

An Act to remove the limitation of His Majesty's power to revoke or amend the Malta Constitution Letters Patent, 1921; to declare the validity of certain Ordinances of the Governor of Malta; and for purposes connected with the matters aforesaid. [14th July 1936.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Power to revoke or amend the Malta Constitution Letters Patent, 1921.

1. The Malta Constitution Letters Patent, 1921, shall, notwithstanding any limitation imposed by section sixty-eight thereof, have effect as if there were thereby reserved to His Majesty full power to revoke or amend by further Letters Patent all or any of the provisions of the Malta Constitution Letters Patent, 1921, as subsequently amended.

Validity of certain Ordinances of Governor of Malta. 22 & 23 Geo. 5. c. 43.

2. It is hereby declared that all Ordinances of the Governor of Malta enacted and promulgated during the period between the commencement of the Malta Constitution Act, 1932, and the commencement of this Act were validly enacted and promulgated and were within the powers of the Governor.

Short title, commencement and repeal.

3.—(1) This Act may be cited as the Malta (Letters Patent) Act, 1936, and shall come into operation on the fifteenth day of July, nineteen hundred and thirty-six.

(2) Sections one to four of the Malta Constitution Act, 1932, are hereby repealed.

CHAPTER 30.

An Act to provide, with certain exceptions, for the compulsory closing of retail meat traders' shops and stalls on Sundays. [14th July 1936.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Business of retail dealer in meat not to be carried on on Sunday.

1. Subject to the provisions of this Act, it shall not be lawful for any person to carry on the business of a retail dealer in butchers' meat on Sunday, and, where the business is carried on in a shop, the shop shall for the purposes of that business be closed for the serving of customers on Sunday.

Exemption as respects Jewish retail dealers in meat.

2. Notwithstanding anything in this or any other Act prohibiting the carrying on of business on Sunday, any person of the Jewish religion may carry on the business of a retail dealer in Kosher meat and may keep open a shop for the serving of customers for the purposes of that business on Sunday, on condition that he complies with the following provisions (that is to say):—

(*a*) he must be licensed for the sale of Kosher meat by the local Board of Shechita, or in the absence of any such Board by a committee appointed for the purpose by the local Jewish congregation established in accordance with Jewish law;

(*b*) he shall not carry on the business either of a retail dealer in Kosher meat or of a retail dealer in butchers' meat on Saturday and, if he carries on the business in a shop, he shall not keep open the shop for the purpose of the business on Saturday;

(*c*) he shall previously give notice to the local authority of his intention to carry on the business of a retail dealer in Kosher meat on Sunday; and (*d*) if he carries on the business in any shop, he shall cause to be kept conspicuously posted in the shop a notice stating that it is open on Sunday for the purposes of retail dealing in Kosher meat, but is not open on Saturday.

Modification of Shops Act, 1912.

2 & 3 Geo. 5. c. 3.

3. As respects any shop in which any such person carries on the said business on Sunday in compliance with the provisions of the foregoing section, the Shops Act, 1912, shall have effect subject to the following modifications (that is to say):—

(*a*) Subsection (1) of section one of that Act (which relates to the hours of employment of shop assistants) shall have effect as if it required a shop assistant not to be employed about the business of a shop after half-past one o'clock in the afternoon on at least one day in every week other than Saturday; and

(*b*) Section four of that Act (which relates to the closing of shops on weekly half-holidays) shall have effect as if—

(i) subsection (1) required every shop to be closed for the serving of customers not later than one o'clock in the afternoon on one day in every week other than Saturday; and

(ii) in subsection (2) the word "Friday" were substituted for the word "Saturday" wherever the last mentioned word occurs.

Provisions as to delivery of goods.

4. It shall not be lawful to dispatch any butchers' meat from a shop or to deliver any butchers' meat so dispatched at any time when under the provisions of this Act the shop may not be open for the serving of customers:

Provided that the provisions of this section shall not apply—

(*a*) on any Sunday being also Christmas Day; or

(*b*) on any Sunday when the succeeding Monday is Christmas Day.

Saving for ships.

5. Nothing in this Act shall prevent the sale, dispatch, or delivery of butchers' meat required by any person for a ship or aircraft on her arrival at, or immediately before her departure from, a port or aerodrome.

Penalties and enforcement of Act.

6.—(1) Any person who contravenes the provisions of this Act shall be liable to a penalty not exceeding in the case of a first offence five pounds and in the case of a second or subsequent offence twenty pounds.

(2) Sections thirteen and fourteen of the Shops Act, 1912 (which relate to the enforcement of that Act), shall apply with respect to the provisions of this Act as they apply with respect to the provisions of that Act.

Interpretation.

7. In this Act the expressions "local authority," "shop," and "shop assistant" have respectively the same meanings as in the Shops Act, 1912, the expression "butchers' meat" means beef, mutton, veal, lamb or pork (including livers, heads, feet, hearts, lights, kidneys or sweetbreads), whether fresh, chilled, frozen or salted, and includes Kosher meat, and the expression "Kosher meat" means butchers' meat killed and prepared by the Jewish ritual method.

Short title, commencement and extent.

8.—(1) This Act may be cited as the Retail Meat Dealers' Shops (Sunday Closing) Act, 1936, and shall come into operation on the first day of January, nineteen hundred and thirty-seven.

(2) This Act shall not extend to Scotland or Northern Ireland.

CHAPTER 31.

An Act to consolidate the enactments relating to non-contributory Old Age Pensions.

[14th July 1936.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Right to receive old age pension.

1.—(1) Every person in whose case the conditions laid down by this Act for the receipt of an old age pension (in this Act referred to as statutory conditions) are fulfilled, shall be entitled to receive such a pension under this Act so long as those conditions continue to be fulfilled, and so long as he is not disqualified under this Act for the receipt of the pension.

(2) An old age pension under this Act shall be at the rate set forth in the First Schedule to this Act.

(3) The sums required for the payment of old age pensions under this Act shall be paid out of moneys provided by Parliament.

(4) The receipt of an old age pension under this Act shall not deprive the pensioner of any franchise, right, or privilege, or subject him to any disability.

Statutory conditions for receipt of old age pension.

2.—(1) Subject to the provisions of this Act, the statutory conditions for the receipt of an old age pension by any person are—

(*a*) the person shall have attained the age of seventy, or, in the case of a blind person, the age of fifty;

(*b*) the person shall satisfy the pension authorities that for at least ten years up to the date of the receipt of any sum on account of a pension he has been a British subject, and that he has been resident in the United Kingdom, if he is a natural born British subject, for an aggregate period of not less than twelve years since attaining the age of fifty years, or, in the case of a blind person, thirty years, and, if he is not a natural born British subject, for an aggregate period of twenty years;

(*c*) the person shall satisfy the pension authorities that his yearly means as calculated in accordance with the provisions of the First Schedule to this Act, after deducting therefrom such part, if any, thereof, but not exceeding in any case thirty-nine pounds, as is derived from any source other than earnings, do not exceed forty-nine pounds, seventeen shillings and sixpence.

(2) For the purpose of computing residence in the United Kingdom under paragraph (*b*) of subsection (1) of this section—

(*a*) any periods spent abroad in any service under the Crown, the remuneration for which is paid out of moneys provided by Parliament, or as the wife or servant of a person in any such service so remunerated;

(*b*) any periods spent in the Channel Islands or the Isle of Man by a person born in the United Kingdom;

(*c*) any periods spent abroad by any person during which that person has maintained or assisted in maintaining any dependant in the United Kingdom;

(*d*) any periods of absence spent in service on board a vessel registered in the United Kingdom by a person who before his absence on that service was living in the United Kingdom;

(*e*) any periods of temporary absence not exceeding three months in duration at any one time; and

(*f*) any periods spent in any part of Ireland before the establishment of the Irish Free State;

shall be counted as periods of residence in the United Kingdom.

(3) The condition as to nationality imposed by paragraph (*b*) of subsection (1) of this section shall not be required to be fulfilled in the case of a woman who satisfies the pension authorities that she would, but for her marriage with an alien, have fulfilled this condition.

(4) For the purposes of this Act, " blind person " means a person so blind as to be unable to perform any work for which eyesight is essential.

Disqualifications for old age pension.

3.—(1) Where during any period a person—

(*a*) is an inmate of any workhouse or other poor law institution; or

(*b*) is detained in prison in pursuance of an order made on his conviction for any offence and directing him to be imprisoned without the option of a fine, or to suffer any greater punishment; or

(*c*) is being maintained in any place as a rate-aided person of unsound mind, or as a criminal lunatic, or is detained in any mental hospital within the meaning of the Lunacy and Mental Treatment Acts, 1890 to 1930, then, subject to the provisions of this section, he shall be disqualified for receiving any sum accruing during that period on account of any pension which would otherwise be payable to him, and if before the commencement of that period any sum has accrued on account of a pension payable to him, that sum shall not be paid to him during the continuance of the said period.

(2) For the purposes of this section, a person who has become an inmate of any workhouse or other poor law institution for the purpose of obtaining medical or surgical treatment shall not be treated as being such an inmate so long as he continues to require such treatment.

61 & 62 Vict c. 60.

(3) Where a person of sixty years of age or upwards having been convicted before any court is liable to have a detention order made against him under the Inebriates Act, 1898, and is not necessarily, by virtue of the provisions of this Act, disqualified from receiving or continuing to receive an old age pension under this Act, the court may, if they think fit, order that the person convicted be so disqualified for such period, not exceeding ten years, as the court direct.

Prohibition against double pensions.

26 Geo. 5. & 1 Edw. 8. c. 33.

4.—(1) Not more than one old age pension, whether under this Act or under the Widows', Orphans' and Old Age Contributory Pensions Act, 1936, shall be payable to any one person :

Provided that the right to a pension under the last-mentioned Act shall not affect any right to, or to the continuance of, a pension payable under this Act, or any Act repealed by this Act, to a blind person who has not attained the age of seventy.

(2) If a person in receipt of an old age pension under this Act is granted an old age pension under the corresponding Acts relating to old age pensions in Northern Ireland, he shall, as from the date on which that pension commences to accrue, be disqualified for continuing to receive the pension under this Act.

Payment of old age pensions.

5.—(1) An old age pension under this Act, subject to any directions of the Treasury in special cases, shall be paid weekly in advance in such manner and subject to such conditions as to identification or otherwise as the Treasury direct.

(2) A sum shall not be paid on account of an old age pension—

(*a*) to any person unless that person is in Great Britain; or

(*b*) if payment of the sum is not obtained within three months after the date on which it has become payable:

Provided that, where a person in receipt of an old age pension under this Act becomes resident in Northern Ireland, the pension shall continue to be payable for a period of twelve weeks from the Friday next following the date on which the pensioner ceased to be resident in Great Britain, or, if that date was a Friday, from that date, but no payment shall be made on account of the pension until a period of five weeks has elapsed from the date aforesaid.

Payments on account of any such pension shall be made by the appropriate department of the Government of Northern Ireland as agents for and on behalf of the Government of the United Kingdom.

Date of commencement of pension or of increased rate of pension.

6.—(1) Where a pension is first allowed the pension shall commence to accrue, and where, by virtue of a decision on any question which has been raised, a pension becomes payable at an increased rate, the pension shall become payable at the increased rate on the first Friday after the date on which the claim for the pension is received by the pension officer or on which the notice of the question is received by the pension officer, as the case may be, or on the first Friday after the date on which the claimant or the pensioner first becomes entitled to the pension or on which the pension first becomes payable at the increased rate, whichever is the later, or, if the later of those two dates is a Friday, on that Friday.

(2) Where any general public holiday falls on a Friday, the Treasury may, if they think fit, direct that sums payable by way of old age pensions on that Friday shall be paid on some other day, whether earlier or later.

Old age pension to be inalienable, &c.

7.—(1) Every assignment of or charge on and every agreement to assign or charge an old age pension under this Act shall be void, and, on the bankruptcy of a person entitled to an old age pension, the pension shall not pass to any trustee or other person acting on behalf of the creditors.

(2) Any sums received by any person by way of an old age pension shall not be included in calculating his means for the purpose of section five of the Debtors Act, 1869. 32 & 33 Vict. c. 62.

Determination of claims and questions.

8.—(1) All claims for old age pensions under this Act and all questions whether the statutory conditions are fulfilled in the case of any person claiming such a pension, or whether those conditions continue to be fulfilled in the case of a person in receipt of such a pension, or whether a person is disqualified for receiving or continuing to receive a pension, shall be considered and determined as follows:—

(*a*) Any such claim or question shall stand referred to the local pension committee, and the committee shall (except in the case of a question which has been originated by the pension officer and on which the committee have already received his report), before considering the claim or question, refer it for inquiry and report to the pension officer:

(*b*) The pension officer shall inquire into and report upon any claim or question so referred to him, and the local pension committee shall, on the receipt of the report of the pension officer and after obtaining from him or from any other source if necessary any further information as to the claim or question, consider the case and give their decision upon the claim or question:

(*c*) The pension officer, and any person aggrieved, may appeal to the central pension authority against a decision of the local pension committee allowing or refusing a claim for pension or determining any question referred to them within the time and in the manner prescribed by regulations under this Act, and any claim or question in respect of which an appeal is so brought shall stand referred to the central pension authority, and shall be considered and determined by them:

(*d*) If any person is aggrieved by the refusal or neglect of a local pension committee to consider a claim for a pension, or to determine any question referred to them, that person may apply in the prescribed manner to the central pension authority, and that authority may, if they consider that the local pension committee have refused or neglected to consider and determine the claim or question within a reasonable time, themselves consider and determine the claim or question in the same manner as on an appeal from the decision of the local pension committee.

A pension officer, if dissatisfied with any refusal or neglect of a local pension committee to consider a claim or determine a question, has, under paragraph (*d*) of this subsection, a right to apply to the central pension authority as a person aggrieved within the meaning of that provision.

(2) The decision of the local pension committee on any claim or question which is not referred to the central pension authority, and the decision of the central pension authority on any claim or question which is so referred to them, shall be final and conclusive.

Further provisions with respect to the raising and determination of questions.

9.—(1) A question may be raised at any time—

(*a*) whether at any time or during any period a person has been in receipt of an old age pension when the statutory conditions were not fulfilled, or when he was disqualified for receiving the pension; and

(*b*) whether a person has been at any time or during any period in receipt of a pension at a certain rate when his means exceeded the amount which justified the payment of a pension at that rate, and, if so, at what rate the pension, if any, should have been paid; and

(*c*) whether a person who is in receipt of a pension at a certain rate is, having regard to his means, entitled to a pension at a higher or a lower rate, and, if so, at what rate the pension, if any, should be paid;

and an application may be made at any time to alter or revoke a provisional allowance of a claim for a pension, and the provisions of the last preceding section shall apply to any such question or application as they apply to the questions mentioned in that section.

(2) Any such question may be raised notwithstanding that the decision of the question involves a decision as to the correctness of a former decision of the local pension committee or central pension authority, as the case may be, but, where by a later decision a former decision is reversed, a person who has received any sums on account of an old age pension in accordance with the former decision shall, notwithstanding anything in subsection (2) of section eleven of this Act, in the absence of any fraud on his part, be entitled to retain any sum so received up to the date of the later decision which he would have been entitled to retain but for the reversal of the former decision.

(3) Where a question is raised as to the disqualification of a person to receive an old age pension and it is alleged that the disqualification has arisen since the person has been in receipt of the pension, and that the disqualification is continuing at the time the question is raised, or, if it has ceased, has ceased less than three weeks before that time, the payment of the pension shall be discontinued, and no sum shall be paid to the pensioner on account of the pension after the date on which the question is raised:

Provided that, if the question is decided in favour of the pensioner, he shall be entitled to receive all sums which would have been payable to him if the question had not been raised.

(4) If the decision on any question involves the discontinuance of an old age pension, or the reduction of the rate at which the pension is paid, or if, in a case where the payment of the pension has been discontinued on the raising of the question, the question is not decided in favour of the pensioner, the person in respect of whose pension the decision is given shall not be entitled to receive a pension or to receive a pension at a rate higher than that determined by the committee or authority, as the case may be, notwithstanding any change of circumstances, unless he makes a fresh claim for the purpose and the claim is allowed, or in a case where he alleges that he is entitled to receive a pension at a higher rate, raises a question for the purpose and the pension is allowed at a higher rate.

Local pension committee, central pension authority, and pension officers.

10.—(1) The local pension committee shall be a committee appointed for every borough and urban district, having a population according to the last published census for the time being of twenty thousand or over, and for every county (excluding the area of any such borough or district), by the council of the borough, district, or county.

The persons appointed to be members of a local pension committee need not be members of the council by which they are appointed.

(2) A local pension committee may appoint such and so many sub-committees, consisting either wholly or partly of the members of the committee as the committee think fit, and a local pension committee may delegate, either absolutely or under such conditions as they think fit, to any such sub-committee any powers and duties of the local pension committee under this Act.

(3) The central pension authority shall be the Minister of Health, and the Minister may act through such committee, persons, or person appointed by him as he thinks fit.

(4) Pension officers shall be appointed by the Treasury, and the Treasury may appoint such number of those officers as they think fit to act for such areas as they direct.

(5) Any reference in this Act to pension authorities shall be construed as a reference to the pension officer, the local pension committee, and the central pension authority, or to any one of them, as the case requires.

Penalty for false statements, &c., and repayment where pensioner is found not to have been entitled to pension.

11.—(1) If for the purpose of obtaining or continuing an old age pension under this Act, either for himself or for any other person, or for the purpose of obtaining or continuing an old age pension under this Act for himself or for any other person at a higher rate than that appropriate to the case, any person knowingly makes any false statement or false representation, he shall be liable on summary conviction to imprisonment for a term not exceeding six months, with hard labour.

(2) If it is found at any time that a person has been in receipt of an old age pension under this Act while the

statutory conditions were not fulfilled in his case or while he was disqualified for receiving the pension, he or, in the case of his death, his personal representative, shall be liable to repay to the Treasury any sums paid to him in respect of the pension while the statutory conditions were not fulfilled or while he was disqualified for receiving the pension, and the amount of those sums may be recovered as a debt due to the Crown.

This subsection applies with the necessary modifications to cases where an old age pension is received at a higher rate than that appropriate to the case as it applies to cases where a person has been in receipt of an old age pension while the statutory conditions were not fulfilled.

(3) For the purposes of the last preceding subsection, any decision of the local pension committee under section eight of this Act on any question which is not referred to the central pension authority and the decision of the central pension authority on any question which is referred to them under that section shall be conclusive proof of any matters decided by the committee or the authority.

A copy of any decision of the local pension committee or central pension authority, if authenticated in manner provided by regulations to be made for the purpose under this Act, shall be received in evidence.

(4) Where any person who is in receipt of an old age pension is liable to repay to the Treasury any sums under this section in consequence of the finding of a local pension committee, or of the central pension authority in the case of a question referred to them, the Treasury shall be entitled, without prejudice to their other powers under this section, to direct the deduction of those sums from any sums to which that person becomes entitled on account of an old age pension, in manner to be provided by regulations to be made for the purpose under this Act:

Provided that, in the case of a personal representative, the deduction shall only be made from any sums to which that person becomes entitled as a personal representative.

Regulations and expenses.

12.—(1) The Treasury, in conjunction with the Minister of Health, and with the Postmaster-General, so far as relates to the Post Office, may make regulations for any purpose for which regulations may be made under this Act and generally for carrying this Act into effect, and in particular—

(*a*) for prescribing the evidence to be required as to the fulfilment of statutory conditions; and

(*b*) for prescribing the manner in which claims to pensions may be made, and the procedure to be followed on the consideration and determination of claims and questions to be considered and determined by pension officers and local pension committees or by the central pension authority, and the mode in which any question may be raised as to the continuance, in the case of a pensioner, of the fulfilment of the statutory conditions, and as to the disqualification of a pensioner; and

(*c*) for enabling a local pension committee to appoint a person to exercise, on behalf of any claimant or pensioner who is by reason of any mental or other incapacity unable to act, any right to which that claimant or pensioner may be entitled under this Act, and to authorise any person so appointed to receive on behalf and for the benefit of the claimant or pensioner any sums payable by way of old age pension; and

(*d*) as to the number, quorum, term of office, and proceedings generally of the local pension committee and the use by the committee, with or without payment, of any offices of a local authority, and the provision to be made for the immediate payment of any expenses of the committee which are ultimately to be paid by the Treasury.

(2) The regulations shall provide for enabling claimants for pensions to make their claims and obtain information as respects old age pensions under this Act through the Post Office, and for provisionally allowing claims to pensions before the date on which the claimant will become actually entitled to the pension, and for notice being given by registrars of births and deaths to the pension officers or local pension committees of every death of a person over seventy registered by them, in such manner and subject to such conditions as may be laid down by the regulations, and for making the procedure

for considering and determining any claim for a pension or question with respect to an old age pension under this Act as simple as possible.

(3) Every regulation under this Act shall be laid before each House of Parliament forthwith, and, if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat next after any such regulation is laid before it, praying that the regulation may be annulled, His Majesty in Council may annul the regulation, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

(4) Any expenses incurred by the Treasury in carrying this Act into effect, and the expenses of the Minister of Health and the local pension committees under this Act up to an amount approved by the Treasury, shall be defrayed out of moneys provided by Parliament.

Application to Scotland and Scilly Isles.

13.—(1) In the application of this Act to Scotland—

(*a*) the Department of Health for Scotland shall be substituted for the Minister of Health;

(*b*) the Lunacy (Scotland) Acts, 1857 to 1919, shall be substituted for the Lunacy and Mental Treatment Acts, 1890 to 1930;

(*c*) the expression "workhouse or other poor law institution" means poorhouse, the expression "mental hospital" means asylum, and the expression "rate-aided person of unsound mind" means pauper lunatic;

(*d*) the expression "borough" means burgh, and references to urban districts and to the population limit for boroughs and urban districts shall not apply.

(2) For the purposes of this Act, a person shall be deemed according to the law in Scotland as well as according to the law in England to have attained the age of seventy on the commencement of the day previous to the seventieth anniversary of the day of his birth, and similarly with respect to other ages.

(3) In the application of this Act to the Isles of Scilly, those Isles shall be deemed to be a county, and the council of those Isles the council of a county.

14. The enactments set out in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule: Repeal.

Provided that without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889— 52 & 53 Vict. c. 63.

(*a*) nothing in this repeal shall affect any regulation made, notice or decision given, or thing done under any enactment repealed by this Act, and every such regulation, notice or decision shall continue in force and shall, so far as it could have been made or given under this Act, have effect as if made or given under the corresponding enactment of this Act;

(*b*) any document referring to any enactment repealed by this Act shall be construed as referring to the corresponding enactment of this Act;

(*c*) any person appointed to any office, committee or sub-committee under or by virtue of any enactment repealed by this Act shall be deemed to have been appointed to that office, committee or sub-committee under or by virtue of this Act;

(*d*) references in this Act to persons entitled to or in receipt of old age pensions shall, so far as necessary for the purpose of preserving any accruing right, be construed as including references to persons so entitled or in receipt of pensions under the enactments repealed by this Act.

15. Where any person was under any Act repealed by this Act in receipt of a pension on the first day of December, nineteen hundred and twenty-one, the pension shall continue payable to him, so long as he continues to be entitled thereto, whether he resides in Northern Ireland or in any other part of the United Kingdom, but the liability for the pension shall, in respect of any period during which he is resident in Northern Ireland, rest with the Government of Northern Ireland, and shall, in respect of any period during which he is resident in any other

Saving for certain pensions payable in Northern Ireland.

part of the United Kingdom, rest with the Government of the United Kingdom.

Commencement, extent and short title.

16.—(1) This Act shall come into force on the first day of January, nineteen hundred and thirty-seven.

(2) Save as otherwise expressly provided, this Act shall not extend to Northern Ireland.

(3) This Act may be cited as the Old Age Pensions Act, 1936.

SCHEDULES.

FIRST SCHEDULE.

Sections 1 (2), 2 (1) (*c*).

Rate of Pension and Calculation of Means.

Means of Claimant or Pensioner.	Rate of Pension per Week.
Where the yearly means of the claimant or pensioner, calculated in accordance with the provisions of this Act,—	
do not exceed £26 5*s*. - - - - -	10*s*.
exceed £26 5*s*., but do not exceed £31 10*s*. -	8*s*.
,, £31 10*s*. ,, ,, £36 15*s*. -	6*s*.
,, £36 15*s*. ,, ,, £42 - -	4*s*.
,, £42 ,, ,, £47 5*s*. -	2*s*.
,, £47 5*s*. ,, ,, £49 17*s*. 6*d*.	1*s*.
,, £49 17*s*. 6*d*. - - - - -	No pension.

(1) In calculating the means of a person, account shall be taken of—

(*a*) the yearly value of any property belonging to that person (not being property personally used or enjoyed by him) which is invested, or is otherwise put to profitable use by him, or which, though capable of investment or profitable use, is not so invested or put to profitable use by him :

1st Sch. —*cont.*

Provided that—

(i) the first twenty-five pounds of the capital value of the said property shall be excluded; and

(ii) the yearly value of the next three hundred and seventy-five pounds of the capital value of the said property shall be taken to be one-twentieth part of the capital value; and

(iii) the yearly value of so much of the capital value of the said property as exceeds the sum of four hundred pounds shall be taken to be one-tenth part of the capital value;

(*b*) the income which that person may reasonably expect to receive during the succeeding year in cash, excluding any sums receivable on account of an old age pension under this Act, and excluding any sums arising from the investment or profitable use of property (not being property personally used or enjoyed by him), that income, in the absence of other means for ascertaining the income, being taken to be the income actually received during the preceding year:

Provided that no account shall be taken of any amounts received during a period of not more than three months in any year by a person or by the husband or wife of a person, as the case may be, under a medical certificate as sickness benefit from a friendly society or trade union, or under the National Health Insurance Act, 1936;

26 Geo. 5 & 1 Edw. 8. c. 32.

(*c*) the yearly value of any advantage accruing to that person from the use or enjoyment of any property belonging to him which is personally used or enjoyed by him, except furniture and personal effects; and

(*d*) the yearly value of any benefit or privilege enjoyed by that person:

Provided that, where under paragraph (*a*) of the foregoing provisions the yearly value of any property is taken to be one-twentieth or one-tenth of the capital value thereof, no account shall be taken under any other of those provisions of any appropriation of that property for the purpose of current expenditure.

(2) In calculating the means of a person being one of a married couple living together in the same house, the means shall be taken to be half the total means of the couple, and where either of the couple or the couple jointly is or are entitled to any property, each of them shall be deemed to be entitled to one-half of that property.

(2) Any sums received by any person by way of an old age pension shall not be included in calculating his means for the purpose of section five of the Debtors Act, 1869.

32 & 33 Vict. c. 62.

Determination of claims and questions.

8.—(1) All claims for old age pensions under this Act and all questions whether the statutory conditions are fulfilled in the case of any person claiming such a pension, or whether those conditions continue to be fulfilled in the case of a person in receipt of such a pension, or whether a person is disqualified for receiving or continuing to receive a pension, shall be considered and determined as follows:—

(*a*) Any such claim or question shall stand referred to the local pension committee, and the committee shall (except in the case of a question which has been originated by the pension officer and on which the committee have already received his report), before considering the claim or question, refer it for inquiry and report to the pension officer:

(*b*) The pension officer shall inquire into and report upon any claim or question so referred to him, and the local pension committee shall, on the receipt of the report of the pension officer and after obtaining from him or from any other source if necessary any further information as to the claim or question, consider the case and give their decision upon the claim or question:

(*c*) The pension officer, and any person aggrieved, may appeal to the central pension authority against a decision of the local pension committee allowing or refusing a claim for pension or determining any question referred to them within the time and in the manner prescribed by regulations under this Act, and any claim or question in respect of which an appeal is so brought shall stand referred to the central pension authority, and shall be considered and determined by them:

(*d*) If any person is aggrieved by the refusal or neglect of a local pension committee to consider a claim for a pension, or to determine any question referred to them, that person may apply in the prescribed manner to the central pension authority, and that authority may, if they consider that the local pension committee have refused or neglected to consider and determine the claim or question within a reasonable time, themselves consider and determine the claim or question in the same manner as on an appeal from the decision of the local pension committee.

A pension officer, if dissatisfied with any refusal or neglect of a local pension committee to consider a claim or determine a question, has, under paragraph (*d*) of this subsection, a right to apply to the central pension authority as a person aggrieved within the meaning of that provision.

(2) The decision of the local pension committee on any claim or question which is not referred to the central pension authority, and the decision of the central pension authority on any claim or question which is so referred to them, shall be final and conclusive.

Further provisions with respect to the raising and determination of questions.

9.—(1) A question may be raised at any time—

(*a*) whether at any time or during any period a person has been in receipt of an old age pension when the statutory conditions were not fulfilled, or when he was disqualified for receiving the pension; and

(*b*) whether a person has been at any time or during any period in receipt of a pension at a certain rate when his means exceeded the amount which justified the payment of a pension at that rate, and, if so, at what rate the pension, if any, should have been paid; and

(*c*) whether a person who is in receipt of a pension at a certain rate is, having regard to his means, entitled to a pension at a higher or a lower rate, and, if so, at what rate the pension, if any, should be paid;

and an application may be made at any time to alter or revoke a provisional allowance of a claim for a pension, and the provisions of the last preceding section shall apply to any such question or application as they apply to the questions mentioned in that section.

(2) Any such question may be raised notwithstanding that the decision of the question involves a decision as to the correctness of a former decision of the local pension committee or central pension authority, as the case may be, but, where by a later decision a former decision is reversed, a person who has received any sums on account of an old age pension in accordance with the former decision shall, notwithstanding anything in subsection (2) of section eleven of this Act, in the absence of any fraud on his part, be entitled to retain any sum so received up to the date of the later decision which he would have been entitled to retain but for the reversal of the former decision.

(3) Where a question is raised as to the disqualification of a person to receive an old age pension and it is alleged that the disqualification has arisen since the person has been in receipt of the pension, and that the disqualification is continuing at the time the question is raised, or, if it has ceased, has ceased less than three weeks before that time, the payment of the pension shall be discontinued, and no sum shall be paid to the pensioner on account of the pension after the date on which the question is raised:

Provided that, if the question is decided in favour of the pensioner, he shall be entitled to receive all sums which would have been payable to him if the question had not been raised.

(4) If the decision on any question involves the discontinuance of an old age pension, or the reduction of the rate at which the pension is paid, or if, in a case where the payment of the pension has been discontinued on the raising of the question, the question is not decided in favour of the pensioner, the person in respect of whose pension the decision is given shall not be entitled to receive a pension or to receive a pension at a rate higher than that determined by the committee or authority, as the case may be, notwithstanding any change of circumstances, unless he makes a fresh claim for the purpose and the claim is allowed, or in a case where he alleges that he is entitled to receive a pension at a higher rate, raises a question for the purpose and the pension is allowed at a higher rate.

Local pension committee, central pension authority, and pension officers.

10.—(1) The local pension committee shall be a committee appointed for every borough and urban district, having a population according to the last published census for the time being of twenty thousand or over, and for every county (excluding the area of any such borough or district), by the council of the borough, district, or county.

The persons appointed to be members of a local pension committee need not be members of the council by which they are appointed.

(2) A local pension committee may appoint such and so many sub-committees, consisting either wholly or partly of the members of the committee as the committee think fit, and a local pension committee may delegate, either absolutely or under such conditions as they think fit, to any such sub-committee any powers and duties of the local pension committee under this Act.

(3) The central pension authority shall be the Minister of Health, and the Minister may act through such committee, persons, or person appointed by him as he thinks fit.

(4) Pension officers shall be appointed by the Treasury, and the Treasury may appoint such number of those officers as they think fit to act for such areas as they direct.

(5) Any reference in this Act to pension authorities shall be construed as a reference to the pension officer, the local pension committee, and the central pension authority, or to any one of them, as the case requires.

Penalty for false statements, &c., and repayment where pensioner is found not to have been entitled to pension.

11.—(1) If for the purpose of obtaining or continuing an old age pension under this Act, either for himself or for any other person, or for the purpose of obtaining or continuing an old age pension under this Act for himself or for any other person at a higher rate than that appropriate to the case, any person knowingly makes any false statement or false representation, he shall be liable on summary conviction to imprisonment for a term not exceeding six months, with hard labour.

(2) If it is found at any time that a person has been in receipt of an old age pension under this Act while the

Part I. —*cont.*

number of weeks for which contributions under the Contributory Pensions Act were paid in respect of him;

as if in either case such weeks had been weeks for which he was employed within the meaning of this Act and insured as an employed contributor.

Regulations with respect to voluntary contributors.

4.—(1) Regulations prescribing the time and the manner in which persons are to give notice that they desire to become voluntary contributors may make different provisions for different classes of contributors.

(2) Notwithstanding any limit of time prescribed in any such regulations in relation to the persons mentioned in paragraph (*b*) of subsection (1) of the last preceding section, any such person who has been continuously insured since the beginning of the year nineteen hundred and eighteen and was on or before the first day of January of that year a voluntary contributor, may become a voluntary contributor at any time before he ceases to be insured.

(3) Regulations may provide for determining the date as from which a person who has elected to become a voluntary contributor is to be treated for any purpose of this Act as a voluntary contributor.

Exempt Persons.

Exempt persons.

5.—(1) Where any person employed within the meaning of this Act proves that he—

(*a*) is in receipt of any pension or income of the annual value of twenty-six pounds or upwards not dependent on his personal exertions; or

(*b*) is ordinarily and mainly dependent for his livelihood on some other person; or

(*c*) is ordinarily and mainly dependent for his livelihood on the earnings derived by him from an occupation which is not employment within the meaning of this Act; or

(*d*) has not been employed within the meaning of this Act for the prescribed number of weeks during any prescribed period;

he shall be entitled to a certificate exempting him from the liability to be insured under this Act.

(2) An insured person to whom a certificate of exemption is granted shall on the grant of the certificate cease to be an insured person.

(3) All claims for exemption shall be made to, and certificates of exemption granted by, the Minister in the prescribed manner and subject to the prescribed conditions, and, if it is so prescribed, any such claims may be made to, and any such certificates may be granted by, approved societies and insurance committees hereinafter mentioned.

(4) A person holding a certificate of exemption under this section is in this Act referred to as "an exempt person."

Period of Insurance.

Free insurance period.

6.—(1) Subject as hereinafter provided, where an insured person, being a member of an approved society, ceases to be employed within the meaning of this Act or to pay contributions as a voluntary contributor, as the case may be, he shall, during a period ending on the thirtieth day of June, or the thirty-first day of December, whichever next precedes the expiration of two years from the end of the contribution week in which he ceased to be so employed or in respect of which the last contribution paid by him as a voluntary contributor was paid (which period is hereinafter called a "free insurance period"), be treated for all purposes as if he were an employed contributor or a voluntary contributor, as the case may be, insured under this Act:

Provided that, if it is proved to the satisfaction of his approved society, or in the case of a dispute it is decided in manner provided by this Act, that when he ceased to be so employed or at the end of the contribution week in respect of which the last contribution paid by him as a voluntary contributor was paid he was incapable of work by reason of some specific disease or bodily or mental disablement of which notice is given within the prescribed time, the said two years shall be reckoned from the end of the contribution week in which he ceased to be so incapable of work.

(2) Notwithstanding anything in the preceding subsection, but subject to the provisions of subsection (3) of the next succeeding section, a person who becomes

Part I. —*cont.*

employed within the meaning of this Act during a free insurance period shall not, on ceasing to be so employed, become entitled by reason thereof to a new free insurance period, unless since the beginning of the contribution half-year following that in which the first-mentioned period began he has been employed within the meaning of this Act during at least eight contribution weeks, whether continuous or not, in a period comprising two consecutive contribution half-years.

Extended insurance period.

7.—(1) Where immediately before the beginning of a free insurance period an insured person is an employed contributor and has been continuously insured for at least ten years, then, if within the prescribed time after the expiration of the free insurance period it is proved to the satisfaction of his approved society, or in the case of a dispute it is decided in manner provided by this Act, that throughout the period, except when he was employed within the meaning of this Act, he was either incapable of work by reason of some specific disease or bodily or mental disablement of which notice was given within the prescribed time, or was available for but unable to obtain employment within the meaning of this Act, he shall from the expiration of the free insurance period continue to be treated as insured for a further period of a year (hereinafter called an "extended insurance period"), and thereafter, if within the prescribed time after the expiration of each extended insurance period the like proof or decision is given with respect to that period, he shall continue to be treated as insured for a further extended insurance period:

Provided that, in respect of not more than twelve weeks of a free insurance period or in respect of not more than seven weeks of an extended insurance period in respect of which proof as aforesaid would otherwise be required for the purposes of this subsection, such proof shall not be necessary.

(2) A person shall not be entitled to sickness or disablement benefit during an extended insurance period unless and until, since the end of his free insurance period, he has been employed within the meaning of this Act during at least twenty-six contribution weeks, whether continuous or not, in a period comprising not more than four consecutive contribution

half-years, and twenty-six contributions have been paid by or in respect of him:

Provided that this subsection shall not apply to a person who is employed within the meaning of this Act at the beginning of an extended insurance period and would, if he had ceased to be so employed immediately before that date, have then been entitled to a new free insurance period.

(3) Notwithstanding anything in subsection (2) of the last preceding section—

(*a*) a person who has been continuously employed within the meaning of this Act since before the beginning of an extended insurance period shall, on ceasing to be so employed, become entitled to a new free insurance period, if he would have become so entitled had he ceased to be so employed immediately before the beginning of that extended insurance period;

(*b*) in any other case, a person who is so employed during an extended insurance period shall not, on ceasing to be so employed, become entitled by reason thereof to a new free insurance period, unless and until the provisions of the last preceding subsection disentitling him to sickness and disablement benefit have ceased to be applicable to him.

Persons becoming voluntary contributors during extended insurance period.

8. A person who during an extended insurance period becomes a voluntary contributor shall for the purpose of determining his title to sickness and disablement benefit be treated as if he had not been previously insured, but if he was employed within the meaning of this Act immediately before the first week in respect of which a contribution was paid by him as a voluntary contributor he shall, for the purpose of determining his title to those benefits, be treated as though he had become a voluntary contributor on the date when that employment began:

Provided that this section shall not apply to a person who becomes a voluntary contributor immediately on ceasing to be so employed, if he would have been entitled to a new free insurance period had he not become a voluntary contributor.

Part I. —*cont.*

Continuance of free or extended insurance periods in certain cases.

9.—(1) If it is proved to the satisfaction of his approved society, or in the case of a dispute it is decided in manner provided by this Act, that at the expiration of a free insurance period or extended insurance period a person was incapable of work by reason of some specific disease or bodily or mental disablement of which notice within the prescribed time is or has been given, the free insurance period or extended insurance period, as the case may be, shall continue until the thirtieth day of June, or the thirty-first day of December, whichever next follows the day on which he ceased to be so incapable of work, but nothing in this subsection shall be construed as depriving a person of any rights to which he would have been entitled but for the provisions thereof.

(2) If a person is employed within the meaning of this Act at the date when, if he were not employed, he would cease to be insured, his free insurance period or, as the case may be, his extended insurance period, shall, if he is not otherwise insured, continue until the thirtieth day of June, or the thirty-first day of December, whichever next follows the date on which he ceases to be so employed.

(3) Where a person becomes employed within the meaning of this Act during a free insurance period or extended insurance period, that period shall not expire before it would have expired if he had not been so employed, but nothing in this subsection shall be construed as depriving a person of any rights to which he would have been entitled but for the provisions thereof.

(4) For the purposes of the provisions of this Part of this Act relating to free insurance periods or extended insurance periods, an insured person who at any time in a contribution week is employed within the meaning of this Act, shall be treated as having been employed throughout that week.

Persons of sixty-five and over.

10.—(1) A person who, on attaining the age of sixty-five, is insured under this Act shall thereafter continue to be an insured person throughout his life, notwithstanding anything in the provisions of this Part of this Act relating to free insurance periods or extended insurance periods.

(2) A person who, on attaining the age of sixty-five, is not insured under this Act shall not be capable of becoming insured.

(3) A person who, for the purposes of the provisions of the Contributory Pensions Act relating to contributions payable under that Act, is treated as if he had attained the age of sixty-five shall not be capable of becoming insured under this Act.

Effect of ceasing to be insured.

11. Where any person has ceased to be an insured person, he shall, if subsequently he becomes employed within the meaning of this Act or becomes a voluntary contributor, be treated as if he had not previously been an insured person.

Contributions.

Contributions by insured persons, employers, and the Treasury.

12.—(1) Subject to the provisions of this Act, the funds required for defraying the cost of the benefits conferred by this Act and the expenses of the administration of those benefits shall be derived in the case of men as to six-sevenths thereof, and in the case of women as to four-fifths thereof, from contributions made by or in respect of the contributors by themselves or their employers, and as to the balance thereof from moneys provided by Parliament.

(2) For the purpose of determining the amount to be derived from moneys provided by Parliament in respect of the cost of additional benefits administered by a society, other than additional benefits consisting of increases of sickness, disablement or maternity benefit, the amount of that cost shall be apportioned between men and women in such manner as may be prescribed by regulations made by the Minister with the consent of the Treasury.

Provision of additional money by Parliament.

13.—(1) In addition to the moneys which under the last preceding section are required to be contributed out of moneys provided by Parliament towards defraying the cost of any of the benefits conferred by this Act or the expenses of administration of any of those benefits or otherwise for the purposes of this Act, there shall be contributed out of moneys provided by Parliament towards such cost, expenses and purposes such additional sums as Parliament may from time to time determine,

PART I. —*cont.*

and the provisions of this Act as to the manner in which the cost of benefits and the expenses of administration are to be defrayed shall be construed as applying only to the balance of such cost and expenses after such additional sums have been applied for the purposes for which they have been provided.

(2) Any additional sums so contributed for the purpose of medical benefit shall be applicable towards the provision, in like manner and to the like extent as if it were medical benefit, of medical treatment and attendance for such members of any friendly or other society which, or a separate section of which, is or becomes an approved society as were members thereof on the sixteenth day of December, nineteen hundred and eleven, and are not entitled to medical benefit under this Act by reason that, being subject to permanent disablement on the fifteenth day of July, nineteen hundred and twelve, they were not qualified to become insured persons.

(3) Subject to the consent of the Treasury, provision may be made by regulations for the administration of any medical treatment and attendance the cost of which may be defrayed out of any additional sums which may be provided by Parliament under this section.

Rates of contribution.

14.—(1) The contributions payable under this Act in respect of employed contributors shall be at the rate set out in the Second Schedule to this Act (in this Act referred to as " the employed rate "), and shall comprise contributions by the contributors and contributions by their employers at the rates specified in that Schedule.

(2) The contributions payable by voluntary contributors shall be at the employed rate :

Provided that, in the case of a voluntary contributor who is not entitled to receive medical benefit, the weekly contribution which would otherwise have been payable shall be reduced by threepence, and there shall be credited to the approved society of which the contributor is a member, or, if he is a deposit contributor, to the Deposit Contributors Fund hereinafter mentioned, the difference between the amount of the contributions actually paid by him at the reduced rate and the amount which would have been paid if those contributions had been at the full rate, and the amount of that difference shall be treated as having been expended on benefits, and the proper proportion thereof shall accordingly be paid out of moneys provided by Parliament.

Rates of contribution in case of certain seasonal employments.

15. Where it is proved to the satisfaction of the Minister that a trade or business carried on by any employer is of a seasonal nature and subject to periodical fluctuation, and that the employer systematically employs persons throughout the year and works short time during the season when the trade or business is depressed, provision may be made by special order for reducing, as respects those persons, the employed rate and the contributions payable by the employer and contributors to such extent and for such period in the year as may be specified in the order, and for increasing the rate and contributions to a corresponding extent and for a corresponding period during the remainder of the year, and the order may contain such incidental, supplemental and consequential provisions as may appear necessary for adapting the other provisions of this Act to cases under this section.

Liability of employer to pay contribution in respect of exempt person.

16.—(1) The employer of an exempt person shall be liable to pay the employer's contributions in respect of him in the same manner as if that person had been an employed contributor, and contributions so payable shall, in the case of a master or seaman serving on a foreign-going ship, be at the rate which would have been payable by the employer if the employed person had not been an exempt person, and, in any other case, be at the rate of fourpence halfpenny per week.

(2) Contributions paid under this section shall be carried to such account and dealt with in such manner as may be prescribed.

Payment of contributions.

17.—(1) Contributions shall be payable at weekly or other prescribed intervals.

(2) Contributions payable in respect of an employed contributor or by a voluntary contributor shall cease to be payable on his attaining the age of sixty-five.

Payment to be made by employer in first instance.

18. In the case of an employed contributor, the employer shall, in the first instance, pay both the contribution payable by himself (in this Act referred to as "the employer's contribution"), and also on behalf of the employed contributor the contribution payable by

PART I. —*cont.*

the contributor, and shall be entitled in accordance with and subject to the provisions of this Act to recover from the contributor by deduction from his wages or otherwise the amount of the contribution so paid by him on behalf of the contributor.

Payment by employed contributor in certain cases.

19.—(1) Where an employed contributor by or in respect of whom less than one hundred and four weekly contributions have been paid ceases to be employed within the meaning of this Act, or where the employer of such a contributor ceases to be liable to pay contributions in respect of him, the contributor shall, if he proves to the approved society of which he is a member, or if in the case of a dispute it is decided in manner provided by this Act, that during any period he was either incapable of work or unable to obtain employment within the meaning of this Act, be entitled, within the prescribed time, to pay contributions at the employed rate in respect of the said period of incapacity or unemployment.

(2) An employed contributor who has, on attaining the age of sixty in the case of a man, or fifty-five in the case of a woman, been continuously insured for a period of ten years shall be entitled, within such time and subject to such conditions as may be prescribed, to pay contributions in respect of any period of unemployment as if he were a voluntary contributor.

Payment of contributions by voluntary contributor.

20.—(1) Where at the end of any contribution year the number of contributions, calculated in the prescribed manner, paid, or deemed in accordance with regulations under this Act to have been paid, for that contribution year by a person insured as a voluntary contributor is less than forty-five, then, unless within the prescribed period he pays such further contributions in respect of that year as will bring the total number of contributions for the year up to forty-five, he shall cease to be entitled to pay contributions as a voluntary contributor:

Provided that, where a person has, on attaining the age of sixty in the case of a man, or fifty-five in the case of a woman, been continuously insured for a period of ten years, this subsection shall in respect of that person apply as if for the references to forty-five contributions there were substituted references to twenty-six contributions.

(2) Where a person is in receipt of a pension payable by the Minister of Pensions, the Minister of Pensions may, with the consent of the pensioner, notwithstanding anything in any Act, Royal Warrant, Order in Council, or order, pay any contributions payable by the pensioner as a voluntary contributor, and deduct the amount so paid on his behalf from the pension payable to him.

Power to make regulations with respect to payment of contributions.

21. Subject to the provisions of this Act, provision may be made by regulations for any matters incidental to the payment and collection of contributions payable under this Act, and in particular for—

(*a*) payment of contributions by means of adhesive or other stamps affixed to or impressed upon books or cards or otherwise, and regulating the manner, times and conditions in, at and under which such stamps are to be affixed or impressed or payments are otherwise to be made;

(*b*) the entry in or upon books or cards of particulars of contributions paid and benefits distributed in the case of the insured persons to whom those books or cards relate;

(*c*) the issue, sale, custody, production and delivery up of books or cards, and the replacement of books or cards which have been lost, destroyed or defaced.

Provision as to stamps.

22.—(1) Stamps required for the purposes of this Act shall be prepared and issued in such manner as the Postmaster-General, with the consent of the Treasury, may direct, and the Postmaster-General may make regulations applying, with the necessary adaptations, as respects any such stamps, all or any of the provisions (including penal provisions) of the Stamp Duties Management Act, 1891, as amended by or in pursuance of any subsequent enactment, and section sixty-five of the Post Office Act, 1908, and may provide for the sale of such stamps through the Post Office.

54 & 55 Vict. c. 38.

8 Edw. 7. c. 48.

(2) The provisions of this Act relating to the laying before Parliament, the effect and the annulling, of regulations shall apply to regulations made by the Postmaster-General under this section.

PART I. —*cont.*

Alternative methods of payment.

23. If provision is made by regulations under this Act for the payment of contributions, at the option of the persons liable to pay, either by means of adhesive stamps or by some alternative method the use of which involves greater expenses in administration to the Government departments concerned than would be incurred if the contributions were paid by means of adhesive stamps, a provision may be included in the regulations for requiring any person who adopts the alternative method to pay to the Minister such fees as may be determined by the Minister, with the concurrence of the Treasury, to represent the difference between the expenses incurred by the said departments by reason of the adoption of the alternative method and the expenses which would have been incurred by the said departments if the contributions payable by that person had been paid by means of adhesive stamps.

General rules as to payment of contributions in respect of employed contributors and recovery by employers of amounts paid on behalf of contributors.

24.—(1) A weekly contribution shall be payable for each week during the whole or any part of which an employed contributor has been employed :

Provided that, where no services have been rendered by a contributor during any week and no remuneration is paid in respect of that week, or where no services have been rendered by a contributor during any week and the contributor has been rendered incapable of work by reason of some specific disease or bodily or mental disablement for the whole or any part of that week, the employer shall not be liable to pay any contribution either on his own behalf or on behalf of the contributor in respect of that week.

(2) Where one weekly contribution has been paid in respect of the contributor for any week, no further contribution shall be payable in respect of him for the same week.

(3) Where the contributor is employed by more than one employer in any week, the employer who first employs him in that week or such other employer or employers as may be prescribed shall be deemed to be the employer for the purposes of the provisions of this Act relating to the payment of contributions.

Power of employer to deduct contribution from wages.

25.—(1) Where an employed contributor receives any wages or other pecuniary remuneration from the employer, the amount of any contribution paid, or, in the case of a master or seaman serving on a foreign-going ship, due to be paid, by the employer on behalf of the contributor shall, notwithstanding the provisions of any Act or any contract to the contrary, be recoverable by means of deductions from the wages or other remuneration of the contributor, and not otherwise:

Provided that no such deduction may be made from any wages or remuneration other than such as are paid in respect of the period or part of the period in respect of which the contribution is payable, or in excess of the sum which represents the amount of the contributions for the period, if that period is longer than a week, in respect of which the wages or other remuneration are paid.

(2) Notwithstanding any contract to the contrary, the employer shall not be entitled to deduct the employer's contribution from the wages of the contributor or otherwise to recover it from him.

(3) Any sum deducted by an employer from wages or other remuneration under this Act shall be deemed to have been entrusted to him for the purpose of paying the contribution in respect of which it was deducted.

Payment of contributions where no wages are paid.

26.—(1) Where an employed contributor does not receive any wages or other pecuniary remuneration from his employer but receives such remuneration from some other person, a contribution paid by the employer on behalf of the contributor shall, without prejudice to any other means of recovery, be recoverable summarily as a civil debt, if proceedings for the purpose are instituted within three months from the date on which the contribution was payable.

(2) Where the contributor does not receive wages or other pecuniary remuneration either from his employer or from any other person, the employer shall be liable to pay the contributions payable both by himself and the contributor, and shall not be entitled to recover any part thereof from the contributor.

Part I. —*cont.*

Provision with respect to contributors working under control of person other than immediate employer, and to outworkers.

27. Regulations may provide—

(*a*) that in any cases or classes of cases where contributors work under the general control and management of some person other than their immediate employer, such as the owner, agent or manager of a mine or quarry, or the occupier of a factory or workshop, that person shall, for the purposes of the provisions of this Act relating to the payment of contributions, be treated as the employer, and may provide for allowing him to deduct the amount of any contributions, other than employer's contributions, which he may become liable to pay from any sums payable by him to the immediate employer, and for enabling the immediate employer to recover from the contributors the like sums and in the like manner as if he were liable to pay the contributions;

(*b*) that in the case of outworkers the contributions to be paid may be determined by reference to the work actually done, instead of by reference to the weeks in which work is done, and any such regulations may apply to all trades or to any specified classes or branches of trades, and may determine the conditions to be complied with by employers who adopt such a system of payment of contributions.

Provisions as to casual and intermittent employment.

28.—(1) The Minister may, by special order, modify this Act in its application to persons whose employment is of a casual or intermittent nature and the employers of such persons, and any such order may apply either generally or to any one or more particular trades or industries or branches thereof, and either generally or in any one or more particular localities, and where any such order is an order applying to a particular trade or industry or branch thereof in a particular locality, it may extend to other persons if employed in the same class of employment as the persons to whom the order primarily relates.

(2) The order may make provision—

(*a*) as to the amount of the employed rate and the contributions payable by the employer and by the employed contributor respectively; and

(*b*) as to the payment, recovery and collection of such contributions in such manner, in such proportions and in respect of such periods, as may be specified, and for the apportionment among employers of the amounts payable by employers;

and may modify and adapt the provisions of this Act accordingly:

Provided that the employer's contributions shall not exceed eightpence nor the employed contributor's contributions fourpence halfpenny, or in the case of a woman fourpence, in any contribution week, nor, if the contributions are payable day by day, shall the employed contributor's contribution for any day exceed one penny.

(3) In the case of a draft order made under this section, any inquiry to be held before the making of the order shall, instead of being held in manner provided by the section of this Act relating to the making of special orders, be an inquiry held by one or more competent and impartial persons to be appointed by the Lord Chancellor on the demand, made in the prescribed manner, of the person making the objection to the draft order.

(4) The provisions of this Act as to the laying of regulations before both Houses of Parliament and the proceedings consequent thereon shall apply to special orders made under this section in lieu of the provisions contained in this Act relating to the making of special orders.

Contributions to be collected with contributions under Pensions Act.

29. The contributions by or in respect of an insured person and in respect of an exempt person payable under this Act and under the Contributory Pensions Act shall be paid as one contribution under this Act, and all the provisions of this Act relating to the payment and collection of contributions under this Act, including (but without prejudice to the generality of the foregoing) the provisions with respect to offences and civil proceedings in relation to contributions, with respect to priority of the claims for contributions and with

PART I. —*cont.*

respect to the powers of inspectors, shall have effect accordingly.

Saving for powers of Minister of Labour under s. 16 of 25 & 26 Geo. 5. c. 8.

30. Nothing in the foregoing provisions of this Act affects any power of the Minister of Labour under section thirteen of the Unemployment Insurance Act, 1935, to make arrangements with employers for the payment of contributions through an employment exchange.

Meaning of "week."

31. In the provisions of this Part of this Act relating to the payment of contributions the expression "week" means a contribution week.

PART II.

BENEFITS.

Benefits conferred by the Act.

Benefits conferred by Act on insured persons.

32.—(1) Subject to the provisions of this Act, the benefits conferred by this Act upon insured persons (in this Act referred to as "benefits") are:—

(*a*) Medical treatment and attendance (in this Act called "medical benefit"):

(*b*) Periodical payments while rendered incapable of work by some specific disease or bodily or mental disablement of which notice has been given, commencing on the fourth day of the incapacity and continuing for a period not exceeding twenty-six weeks (in this Act called "sickness benefit"):

(*c*) In the case of the disease or disablement continuing after the termination of the period during which sickness benefit may continue, periodical payments during the continuance of the incapacity for work (in this Act called "disablement benefit"):

(*d*) A payment in the case of the confinement of the wife or, where the child is a posthumous child, of the widow of an insured person, or of any other woman who is an insured person (in this Act called "maternity benefit"):

(*e*) In the case of persons entitled under this Act to any of the further benefits mentioned in the Third Schedule to this Act (in this Act called "additional benefits"), such of those benefits as those persons may be entitled to.

(2) For the purposes of paragraph (*b*) of subsection (1) of this section, a day on which the incapacitated person was prevented by the incapacity from doing any effective work shall be treated as a day of incapacity, but a Sunday shall not be so treated, unless the incapacitated person would but for the incapacity have worked on that day.

Future extension of benefits. 14 & 15 Geo. 5. c. 38.

33. As soon as the reserve values hereinafter mentioned, whether created under this Act or under any Act repealed by this Act or by the National Health Insurance Act, 1924, and credited to approved societies have been written off in manner provided by this Act, the benefits payable to insured persons under this Act shall be extended in such manner as Parliament may determine.

Medical Benefit.

Medical benefit.

34.—(1) Medical benefit shall be administered by and through insurance committees.

(2) A voluntary contributor whose total income from all sources exceeds two hundred and fifty pounds a year shall not be entitled to medical benefit.

(3) Provision shall be made by regulations for applying the contributions paid in respect of exempt persons in providing medical benefit for those persons and defraying the cost of the administration thereof, and those persons shall, if they fulfil the prescribed conditions, become entitled to medical benefit as if they were members of approved societies and the provisions of this Act with respect to the provision and administration of medical benefit (including provisions relating to the application of moneys provided by Parliament towards the cost of medical benefit and of the administration thereof) shall, subject to any prescribed modifications, adaptations and exceptions, apply accordingly:

PART II. —*cont.*

Provided that—

(*a*) the prescribed conditions shall not require payment of upwards of twenty-six weekly contributions before the person becomes entitled to benefit; and

(*b*) where the total income from all sources of an exempt person exceeds two hundred and fifty pounds a year, he shall be required to make his own arrangements for receiving medical treatment and attendance, and the provisions of this Act relating to persons allowed to make such arrangements shall apply accordingly.

(4) A person shall not be disentitled to medical benefit by reason that he is, under the rules of an approved society or insurance committee, suspended from sickness or disablement benefit on the ground that his disease or disablement was caused by his own misconduct.

Administration of medical benefit.

35.—(1) Every insurance committee shall, for the purpose of administering medical benefit, make arrangements with medical practitioners in accordance with regulations.

(2) Subject to the provisions of this Part of this Act, provision shall be made by regulations for the arrangements under this section being subject to the approval of the Minister and being such as to secure that insured persons shall, subject to the provisions of this Act, receive adequate medical treatment and attendance from the medical practitioners with whom arrangements are so made, and shall require the adoption by every insurance committee of such system as will secure—

(*a*) the preparation and publication of lists of medical practitioners who have agreed to attend and treat insured persons whose medical benefit is administered by the committee;

(*b*) a right on the part of any medical practitioner who is desirous of being included in any such list as aforesaid of being so included;

(*c*) a right on the part of any insured person of selecting, at such times as may be prescribed, from the appropriate list the medical practitioner by whom he wishes to be attended and treated, and, subject to the consent of the practitioner so selected, of being attended and treated by him;

(*d*) the distribution among the several medical practitioners whose names are on the lists, so far as practicable under arrangements made by them, of the insured persons who after due notice have failed to make any selection, or who have been refused by the practitioner whom they have selected;

(*e*) the provision, on the same terms as to remuneration as those arranged with respect to insured persons, of medical treatment and attendance for such members of any friendly or other society which, or a separate section of which, is or becomes an approved society as were members thereof on the sixteenth day of December, nineteen hundred and eleven, and who are not entitled to medical benefit by reason that being subject to permanent disablement on the fifteenth day of July, nineteen hundred and twelve, they were not qualified to become insured persons.

Power of Minister to remove practitioner's name from list.

36. If the Minister, after such inquiry as may be prescribed, is satisfied that the continued inclusion in the list of any medical practitioner would be prejudicial to the efficiency of the medical service of the insured, the Minister may remove his name from the list.

Powers of Minister where medical service is inadequate, &c.

37.—(1) If the Minister is satisfied after inquiry that the medical practitioners included in any list are not such as to secure an adequate medical service in any area, or part of an area, he may dispense with the necessity of the adoption of such system as aforesaid as respects that area or part, and authorise the committee to make such other arrangements as he may approve, or may himself make such arrangements as he thinks fit, or may suspend the right to medical benefit in respect of any insured persons in the area, or part of the area, for such period as he thinks fit, and pay to each such person a sum bearing the same proportion to such sum as may be specified by the Minister as representing the annual cost at the time of medical treatment and attendance as that period bears to a whole year, and where the Minister takes any such action himself, he shall retain and apply for the purpose such part of the sums payable to the insurance committee in respect of medical benefit as may be required.

(2) If the Minister is satisfied that the insured persons or any considerable proportion of the insured persons within any area, or part of an area, are not receiving satisfactory medical treatment under the panel system, he may authorise the insurance committee to make, or may himself make, such other arrangements as will secure to insured persons within that area, or that part of the area, such better medical service as is practicable having regard to the funds available for the purpose, or arrangements whereunder insured persons within that area or that part of the area may be required to make their own arrangements for receiving medical treatment and attendance and whereunder the insurance committee or the Minister undertake to pay the cost of that medical treatment and attendance upon such scale as the insurance committee with the approval of the Minister, or as the Minister, as the case may be, may determine.

Certain persons to make their own arrangements for receiving medical treatment and attendance.

38.—(1) Regulations made for the purposes of medical benefit shall authorise the insurance committee by which medical benefit is administered to require any person whose income exceeds a limit to be fixed by the committee, and to allow any other persons, in lieu of receiving medical benefit under such arrangements as are hereinbefore mentioned, to make their own arrangements for receiving medical treatment and attendance and in such case the committee shall, subject to the regulations, out of the funds out of which the cost of medical benefit is payable, contribute towards the cost of medical treatment and attendance for those persons sums not exceeding in the aggregate the amounts which the committee would otherwise have expended in providing medical benefit for them.

(2) The said regulations shall provide that, in the case of persons who are entitled to receive

medical treatment and attendance under any system or through any institution existing on the sixteenth day of December, nineteen hundred and eleven, and approved by the insurance committee and the Minister, medical treatment and attendance so received may be treated as, or as part of, their medical benefit under this Act, and may provide for the committee contributing towards the expenses thereof the whole or any part of the sums which would be contributed in the case of persons who have made their own arrangements under the last preceding subsection, but the regulations shall secure that no person shall be deprived of his right of selecting, if he desires so to do, in accordance with the provisions of this Part of this Act, the medical practitioner by whom he wishes to be attended and treated.

(3) Save as provided by regulations under the last preceding subsection, the insurance committee shall not, after such date as may be prescribed, be entitled to allow any person (other than a nurse or other employee of a hospital or similar institution) to make his own arrangements for receiving medical treatment and attendance by way of participating in any collective arrangements made by or through any system or institution, and any such permission given before that date shall thereupon cease to have effect:

Provided that, where before the sixth day of March, nineteen hundred and twenty-eight, any person has been allowed to make his own arrangements by means of any such collective arrangement as aforesaid, the system or institution by or through which such arrangements were made may, within such period as may be prescribed, apply to the insurance committee and the Minister for approval under the last preceding subsection, and shall be qualified to receive such approval notwithstanding that it was not in existence on the sixteenth day of December, nineteen hundred and eleven.

Supply of drugs, medicines and appliances.

39. Subject to the provisions of this Part of this Act, every insurance committee shall make arrangements for the supply of proper and sufficient drugs and medicines and prescribed appliances to insured persons in accordance with regulations, and the regulations made

PART II. —*cont.*

for the purposes of this section shall provide for the arrangements made being subject to the approval of the Minister and being such as to enable insured persons to obtain such drugs, medicines and appliances, if ordered by the medical practitioner by whom the insured persons are attended, from any persons with whom arrangements have been made, and shall require the adoption by every insurance committee of such a system as will secure—

(*a*) the preparation and publication of lists of persons, who have agreed to supply drugs, medicines and appliances to insured persons whose medical benefit is administered by the committee, according to such scale of prices as may be fixed by the committee;

(*b*) a right on the part of any person desirous of being included in any such list as aforesaid of being so included, for the purpose of supplying such drugs, medicines and appliances as that person is entitled by law and authorised by the committee to supply, except in cases where the Minister after inquiry is satisfied that the inclusion or continuance of that person in the list would be prejudicial to the efficiency of the service.

Powers of Minister where supply of drugs, &c., is inadequate.

40. If the Minister is satisfied as respects any area that the scale of prices fixed by the insurance committee is reasonable, but that the persons included in any list are not such as to secure an adequate and convenient supply of drugs, medicines and appliances in that area, he may dispense with the necessity of the adoption of such system as aforesaid as respects that area and authorise the committee to make such other arrangements as he may approve.

Provisions with respect to persons authorised to supply drugs, &c.

41.—(1) Except as may be provided by regulations, no arrangement shall be made by the insurance committee with a medical practitioner under which he is bound or agrees to supply drugs or medicine to any insured persons.

(2) Subject to the provisions of the last preceding subsection, the regulations shall prohibit arrangements for the dispensing of medicines being made with persons

other than persons who are entitled under the Pharmacy and Poisons Acts, 1852 to 1933, to use the title chemist and druggist, and who undertake that all medicines supplied by them to insured persons shall be dispensed either by or under the direct supervision of a registered pharmacist or by a person who for three years immediately before the sixteenth day of December, nineteen hundred and eleven, acted as a dispenser to a medical practitioner or a public institution:

Part II. —*cont.*

(3) Nothing in this Act shall interfere with the rights and privileges conferred by the Apothecaries Act, 1815, upon any person qualified under that Act to act as an assistant to any apothecary in compounding and dispensing medicines.

55 Geo. 3. c. 194.

Powers of Minister when he removes names of medical practitioners and chemists from lists.

42. Where the Minister in pursuance of his powers under this Part of this Act removes the name of any medical practitioner or of any person undertaking the supply of drugs, medicines or appliances from any list prepared under the provisions of this Part of this Act, he may, if he thinks fit so to do, remove the name of that practitioner or person from any of the other lists so prepared in which it is at the time included, and, until such time as the Minister directs to the contrary, that practitioner or person shall be disqualified for inclusion in any such list, whether in England, Scotland or Wales.

Supplemental provisions as to medical benefit regulations.

43. Provision for any of the following matters may be included in regulations made for the purposes of medical benefit:—

(*a*) the issue of certificates for the purposes of this Act by medical practitioners under agreement with insurance committees;

(*b*) the application to inquiries held under this Part of this Act, subject to such modifications as may be prescribed (including a modification providing that the costs of any inquiry and of the finding thereon shall be in the discretion of the Minister instead of in the discretion of the person holding the inquiry), of any of the provisions of the Arbitration Acts, 1889 to 1934, as amended by any subsequent enactment, relating

Part II. —*cont.*

to the cost of an arbitration, the attendance of witnesses and the production of documents;

(*c*) the procedure on any appeal to the Minister against a decision of an insurance committee given under the regulations, and the application to any such appeal, subject to such modifications as may be prescribed, of any of the provisions of the Arbitration Acts, 1889 to 1934, as amended by any subsequent enactment.

Sickness Benefit and Disablement Benefit.

Rates of sickness and disablement benefit.

44. The ordinary rate of sickness benefit shall be, in the case of a man, fifteen shillings a week, and, in the case of a woman, ten shillings a week during the subsistence of any marriage and twelve shillings a week at any other time; and the ordinary rate of disablement benefit shall be, in the case of a man, seven shillings and sixpence a week, and, in the case of a woman, five shillings a week during the subsistence of any marriage and six shillings a week at any other time:

Provided that, until one hundred and four weeks have elapsed since the entry of an insured person into insurance and one hundred and four weekly contributions have been paid by or in respect of that person, the rate of sickness benefit to which that person shall be entitled shall be, in the case of a man, nine shillings a week, and, in the case of a woman, seven shillings and sixpence a week.

Administration of sickness and disablement benefit.

45. Sickness benefit and disablement benefit shall, in the case of an insured person who is a member of an approved society, be administered by and through the society or a branch thereof, and, in the case of an insured person who is not such a member, shall, subject to the provisions of this Act, be administered by and through the insurance committee.

Conditions for sickness and disablement benefit.

46. An insured person shall not be entitled to—

(*a*) sickness benefit, until twenty-six weeks have elapsed since his entry into insurance, and twenty-six weekly contributions have been paid by or in respect of him;

(*b*) disablement benefit, until one hundred and four weeks have elapsed since his entry into insurance, and one hundred and four weekly contributions have been paid by or in respect of him.

Part II. —*cont.*

Notice of disease or disablement to be given.

47.—(1) Where an insured person who claims to be entitled to sickness or disablement benefit fails to give notice of the disease or disablement on or before the third day of the incapacity, benefit shall, subject as hereinafter provided, commence only on the day following the date on which the notice is given, or, if the disease or disablement is under the provisions of the next succeeding section deemed to be a continuation of a previous disease or disablement, on the day next but one before that date:

Provided that, if the society or committee administering the benefit are satisfied, or if in the case of a dispute it is decided in manner provided by this Act, that in the circumstances of the case the insured person had a reasonable excuse for not giving notice either before the date on which it was in fact given or before some earlier date, being a date more than three days after the commencement of the incapacity, he shall be entitled to benefit commencing on the fourth day of the incapacity, or, in the case of a disease or disablement which is deemed as aforesaid to be a continuation of a previous disease or disablement, commencing on the first day of the incapacity, so, however, that where the insured person only proves that he had a reasonable excuse for not giving notice before some date earlier than the date on which notice was in fact given, he shall not be entitled to benefit for the period commencing on the day next after that earlier date and ending on the date of the notice.

(2) Notwithstanding anything in the preceding subsection, an insured person shall not be entitled to sickness or disablement benefit in respect of any week unless satisfactory evidence of his incapacity during that week is submitted within three months of the end of the week to his approved society or to the committee administering the benefit:

Provided that in calculating the said period of three months no account shall be taken of any period during which the society or committee are satisfied, or in the case of a dispute it is decided in manner provided by this Act, that in the circumstances of the case the insured person had a reasonable excuse for not submitting evidence.

(3) For the purposes of this section, notice or evidence sent by post shall be deemed to have been given or submitted on the day on which the letter containing the notice or evidence was posted.

Provisions as to recurring sickness or disablement.

48.—(1) Where an insured person who has been in receipt of sickness benefit recovers from the disease or disablement in respect of which the benefit was payable, any disease or disablement occurring subsequently (whether the same disease or disablement or not) shall for the purpose of the provisions of this Act relating to sickness and disablement benefits be deemed to be a continuation of the previous disease or disablement unless in the meantime a period of at least one year has elapsed.

(2) Where, by virtue of the special provisions of this Part of this Act applicable to contributors entitled to compensation or damages, a part only of sickness benefit has been paid to an insured person, he shall, for the purpose of the last preceding subsection, be treated as having been in receipt of sickness benefit for a period bearing the same proportion to the whole period in respect of which that partial benefit was paid to him as that partial benefit bears to the whole benefit, and the period so resulting shall be deemed to have been continuous and to have expired on the last day of the incapacity in respect of which the partial benefit was paid.

Provisions as to women who are confined.

49. A married woman or a widow confined of a posthumous child shall not in any case be entitled to sickness benefit or disablement benefit for a period of four weeks after her confinement, and no other woman shall be entitled to sickness benefit or disablement benefit for the period aforesaid unless she is an insured person and suffering from disease or disablement not connected directly or indirectly with her confinement.

Sickness and disablement benefit to cease at sixty-five.

50. The right of an insured person to sickness benefit and disablement benefit shall cease on his attaining the age of sixty-five.

Part II. —*cont.*

Special provisions applicable to contributors entitled to compensation or damages.

51.—(1) Where an insured person has received or recovered or is entitled to receive or recover, whether from his employer or any other person, any compensation or damages under the Workmen's Compensation Acts, or under any scheme certified thereunder, or under the Employers' Liability Act, 1880, or at common law, in respect of any injury or disease, the following provisions shall have effect:—

43 & 44 Vict. c. 42.

(*a*) no sickness benefit or disablement benefit shall be payable to the insured person in respect of that injury or disease in any case where any weekly sum or the weekly value of any lump sum paid or payable by way of compensation or damages is equal to or greater than the benefit otherwise payable to that person, unless and except so far as such weekly or lump sum is irrecoverable, and where any such weekly sum or the weekly value of any such lump sum is less than the benefit in question, such part only of the benefit shall be payable as, together with the weekly sum or the weekly value of the lump sum, if and so far as such weekly or lump sum is recoverable, will be equal to the benefit;

(*b*) the weekly value of any such lump sum as aforesaid may, subject to the provisions of this Act relating to the decision of disputes between insured persons and approved societies or insurance committees, be determined by the society or committee by which the sickness and disablement benefits payable to the insured person are administered.

(2) Where an insured person has recovered compensation in respect of any injury or disease and in fixing the amount of the weekly payment regard was had to any payment, allowance or benefit which the workman has received from his employer during his incapacity, or where an insured person who is entitled to receive or recover, but has not received or recovered, any such compensation is in receipt of any such payment, allowance or benefit as aforesaid, the weekly value of that payment, allowance or benefit, as determined by the society or committee, or in the case of a dispute

PART II. —*cont.*

as determined in manner provided by this Act, shall, in computing under the preceding subsection what part of the benefit is payable to the insured person, be added to the weekly sum payable by way of compensation or be treated as being a weekly sum payable by way of compensation, as the case may be, and taken into account accordingly:

Provided that no account shall be taken of any such payment, allowance or benefit so far as the weekly value thereof together with the weekly sum, if any, or the weekly value of the lump sum, if any, paid or payable by way of compensation, exceeds the amount of the weekly payment which the insured person would, if there had been no such payment, allowance or benefit, have been entitled to receive or recover by way of compensation under the Workmen's Compensation Acts.

Power of society or committee to make advances pending settlement of claim.

52.—(1) Nothing in the last preceding section shall prevent the society or committee from paying benefit to an insured person by way of advance pending the settlement of his claim for compensation or damages, and any advance so made shall, without prejudice to any other method of recovery, be recoverable by deductions from, or suspension of, any benefits which may subsequently become payable to the insured person.

(2) Where any society or committee in pursuance of the last preceding subsection has made or intends to make advances to an insured person, the society or committee may give notice thereof in the prescribed form to the person liable to pay the compensation or damages, and if such notice is given the person so liable shall, notwithstanding anything in the Workmen's Compensation Acts, on demand and on being furnished with the prescribed proof of the amount of the advances made, repay to the society or committee, up to the amount which he is liable to pay as compensation or damages, less such part, if any, of that amount as he has already duly paid at the time of receiving the notice aforesaid, the amount advanced, and the receipt of the society or committee shall, up to the amount of the repayment, be a full and valid discharge to him in respect of the compensation or damages payable by him to the insured person:

Part II. —*cont.*

Provided that, if the person so liable to pay compensation or damages gives to the society or committee by which such notice as aforesaid is given notice in the prescribed form that he intends to pay, or that he has paid, compensation or damages, he shall not be under any obligation to make any repayment in respect of any advance made after the date of the payment of the compensation or damages, or after the time at which the notice so given by him is received by the society or committee, whichever is the later.

(3) For the purposes of the last preceding subsection, a person against whom a claim for damages or compensation has been made shall be deemed to be a person liable to pay compensation or damages, if he has agreed to pay a sum in composition of the claim, notwithstanding that he does not admit liability, and the sum payable under the agreement shall be deemed to be compensation or damages.

Nothing in this subsection shall affect any rights which an authority which has granted outdoor relief would have had under section forty-one of the Workmen's Compensation Act, 1925, or section forty-two of the Workmen's Compensation Act (Northern Ireland), 1927, if this Act had not been passed, and the receipt of any such authority shall have the same operation under that section as it would have had if this Act had not been passed.

15 & 16 Geo. 5. c. 84.
17 & 18 Geo. 5. c. 16 (N.I.).

Power of society or committee to take proceedings, &c.

53.—(1) Where an insured person appears to be entitled to any such compensation or damages as aforesaid and unreasonably refuses or neglects to take proceedings to enforce his claim, it shall be lawful for the society or committee concerned, either—

(*a*) at its own expense, to take such proceedings in the name and on behalf of the insured person, in which case any compensation or damages recovered shall be held by the society or committee as trustee for the insured person; or

(*b*) to withhold payment of any benefit to which but for this section the insured person would be entitled.

(2) In the event of the society or committee concerned taking proceedings as aforesaid and failing in

Part II. —*cont.*

the proceedings, it shall be responsible for the costs of the proceedings as if it were claiming on its own account.

Provisions with respect to war pensions.

4 & 5 Geo. 5. c. 30.

5 & 6 Geo. 5. c. 18.

5 & 6 Geo. 5. c. 24.

5 & 6 Geo. 5. c. 96.

54. Where any pension, grant or allowance has been granted to any insured person in pursuance of the Injuries in War (Compensation) Act, 1914, or the Injuries in War Compensation Act, 1914 (Session 2), or the Injuries in War (Compensation) Act, 1915, or any similar Act with respect to which regulations made with the consent of the Treasury provide that this section shall apply, or in pursuance of any scheme for compensation in respect of persons injured on any merchant ship or fishing vessel in connection with which any Government obligations within the meaning of the Government War Obligations Act, 1915, are incurred, then as from the prescribed date that pension, grant or allowance shall, for the purposes of this Part of this Act be treated as if it were compensation under the Workmen's Compensation Acts.

Provisions in case of contributors who are inmates of hospitals, &c.

55.—(1) No payment on account of sickness or disablement benefit in respect of any period when the insured person is an inmate of any workhouse, hospital (including mental hospital), asylum, convalescent home or infirmary, supported by any public authority or out of any public funds or by a charity or voluntary subscriptions, shall be made during any period when the insured person is such an inmate as aforesaid.

(2) During the period aforesaid, the sum which would but for the provisions of the preceding subsection have been payable on account of any benefit to any person—

(*a*) if that person has any dependants, shall, after consultation wherever possible with that person, be paid or applied, in whole or in part at the discretion of the society or committee administering the benefit, to or for the advantage of those dependants, or such of them, and in such proportions, as the society or committee may determine; and

(*b*) so far as not applied under the preceding paragraph, or if that person has no dependants, and if in any case he so authorises, may at the discretion of the society or committee administering the benefit be applied towards defraying any expenses for which he may be or become liable otherwise than to the institution while he is such an inmate as aforesaid, and in so far as not so applied, be paid in whole or in part to the institution of which he is an inmate:

Part II. —*cont.*

Provided that—

(i) any person who is entitled to any benefit under this Act shall not, if he applies for admission to any workhouse infirmary, be refused admission thereto solely on the grounds of the right to that benefit;

(ii) where on the thirty-first day of December in any year an insured person is an inmate of an institution, any sum which but for the provisions of this section would have been payable to him, if and so far as it has not been paid or applied in accordance with the foregoing provisions of this subsection, shall, in so far as it exceeds fifty pounds, be paid to the Central Fund hereinafter mentioned, in accordance with regulations made under this Act.

(3) Any sum which but for the provisions of this section would have been payable to any person on account of sickness or disablement benefit shall, if and so far as it is not paid or applied during such a period as aforesaid in accordance with the foregoing provisions of this section, be paid in cash to that person after he has left the institution in weekly instalments, each instalment being of an amount not less than ten shillings nor more than two pounds as the society or committee administering the benefit may determine, unless the society or committee think proper, in view of the special circumstances of the case, to make a lump sum payment:

Provided that—

(i) if that person dies in the institution, the sum so payable shall be deemed to form part of his estate, and if he dies after leaving the institution but before the whole of the instalments have been paid, the balance remaining unpaid

Part II. —*cont.*

shall be deemed to form part of his estate, and the amount so deemed to form part of his estate shall be paid in a lump sum and not in instalments;

(ii) the amount so payable to any person, or deemed to form part of his estate, shall in no case exceed fifty pounds, and the balance shall, in accordance with regulations under this Act, be paid to the Central Fund.

(4) Where any sum which, but for the provisions of this section, would have been payable on account of sickness or disablement benefit has been paid or applied in accordance with those provisions, that sum shall be treated as a payment in respect of sickness or disablement benefit, as the case may be, and where under this section any payment is made to the Central Fund so much thereof as is derived from moneys provided by Parliament shall be repaid to the Exchequer.

Power to substitute other benefits for sickness and disablement benefits.

56.—(1) Any approved society may submit to the Minister a scheme for substituting any of the additional benefits for sickness benefit and disablement benefit or either of those benefits or any part thereof.

(2) Any such scheme may provide as respects the members of the society to whom the scheme applies that sickness benefit or disablement benefit or both such benefits shall be abolished or the rate thereof reduced or, in the case of sickness benefit, the commencement thereof postponed, and may contain such incidental and consequential provisions as appear necessary for adapting the other provisions of this Act to the members to whom the scheme applies.

(3) A scheme made under this section shall apply either to all members of the society or to any specified class thereof or to any members of the society who may elect to come under the scheme, according as may be provided by the scheme.

(4) A scheme made under this section shall not have any effect unless and until confirmed by the Minister, and the Minister shall not confirm any scheme unless satisfied that the value of the additional benefits conferred by the scheme is equivalent to the value of the

benefits for which they are substituted, and that, in view of the special circumstances of the members or class of members intended to come under the scheme, there is good reason for substituting the additional benefits conferred by the scheme for the benefits for which they are substituted.

(5) Nothing in this section or in any scheme made thereunder shall affect the amount of any reserve value to be credited to a society in respect of a member.

Maternity Benefit.

Maternity benefit.

57.—(1) The amount of maternity benefit shall be a sum of forty shillings.

(2) Maternity benefit shall, in the case of an insured person who is a member of an approved society, be administered by and through the society or a branch thereof, and, in the case of an insured person who is not such a member shall, subject to the provisions of this Act, be administered by and through the insurance committee.

(3) No insured person shall be entitled to maternity benefit until forty-two weeks have elapsed since his entry into insurance and forty-two weekly contributions have been paid by or in respect of him.

Provision for second maternity benefit in certain cases.

58.—(1) Where a woman confined of a child is herself an insured person and is a married woman, or, if the child is a posthumous child, a widow, she shall be entitled to receive a maternity benefit (in this Act referred to as " the second maternity benefit ") from the society of which she is a member or from the insurance committee, as the case may be, in addition to any maternity benefit to which she may be otherwise entitled in respect of her husband's or her own insurance.

(2) Every approved society and insurance committee shall make rules to the satisfaction of the Minister requiring any woman in respect of whom any such sum as aforesaid is payable in respect of her own insurance to abstain from remunerative work during a period of four weeks after her confinement.

Part II. —*cont.*

Maternity benefit where no benefit is payable in respect of husband's insurance.

59. Where a woman who is an employed contributor is confined and is the wife, or, if the child is a posthumous child, the widow, of an insured person, then—

(*a*) if her husband is, or was at the date of his death, a member of an approved society, and for any reason other than delay in making a claim, no maternity benefit is payable in respect of his insurance, she shall on her confinement be entitled to receive in respect of her own insurance such sum as she would have been entitled to receive if her husband had not been an insured person;

(*b*) if her husband is, or was at the date of his death, a deposit contributor, and for any reason other than delay in making a claim no maternity benefit or a sum less than the full maternity benefit is payable in respect of his insurance, she shall on her confinement be entitled to receive in respect of her own insurance such sum as, with the sum, if any, payable in respect of her husband's insurance, is equal to the sum she would have been entitled to receive if her husband had not been an insured person.

Maternity benefit the mother's benefit.

60.—(1) Maternity benefit shall in every case be the mother's benefit and shall be administered in the interests of the mother and child in cash or otherwise by the approved society of which she is, or, where she is entitled to benefit in respect of her husband's insurance, her husband is, or was, a member, or if she, or, where she is entitled to benefit in respect of her husband's insurance, her husband, is not, or was not, a member of an approved society, by the insurance committee:

Provided that the mother shall decide whether she shall be attended by a medical practitioner or by a certified midwife and shall have free choice in the selection of the medical practitioner or midwife.

(2) Where the benefit is payable in respect of the husband's insurance, the wife's receipt, or his receipt, if authorised by her, shall be a sufficient discharge to the society or committee, and where the benefit is paid to the husband he shall pay it to the wife.

Maternity benefit not to be payable unless claimed within six months, &c.

61. Maternity benefit shall not be payable unless a claim for the benefit is made by or on behalf of the person entitled thereto within six months after the confinement, or, where the insured person is a man of the forces and the confinement takes place outside the United Kingdom, within twelve months after the confinement:

Provided that, if the society or committee administering the benefit are satisfied, or in the case of a dispute it is decided in manner provided by this Act, that in the circumstances of the case it was not reasonably possible for a claim for the benefit to have been made within the proper time, the benefit shall be payable.

Provisions in case of confinements in hospitals, &c.

62. The provisions of this Part of this Act relating to payment on account of sickness and disablement benefit in respect of any period when the insured person is an inmate of any workhouse, hospital (including mental hospital), asylum, convalescent home or infirmary, supported by any public authority or out of any public funds, or by a charity or by voluntary subscriptions, shall apply to payment on account of maternity benefit in respect of the confinement of a woman where she is at the time of the confinement such an inmate as aforesaid in like manner as they apply to payment on account of sickness and disablement benefit, subject to the following modifications:—

(1) if the woman is a married woman or a widow and the sums payable or applicable under the said provisions include the sums which would have been payable both on account of the second maternity benefit and on account of maternity benefit to which she is otherwise entitled under this Act, no part of the sum which would otherwise be payable on account of that last-mentioned maternity benefit shall be paid to or applied for the relief or maintenance of her dependants, but the whole or any part thereof may be paid to the institution of which she is an inmate in the same manner as if she had no dependants;

(2) any sum which, but for the said provisions, would have been payable to any woman on

Part II. —*cont.*

account of maternity benefit shall, if and so far as it is not paid in accordance with those provisions, be paid in cash in a lump sum to the woman after she has left the institution.

Supplemental provisions with respect to maternity benefit.

63.—(1) For the purposes of the administration of maternity benefit, the Minister may, if he thinks fit, by special order provide for the reinsurance with him of the liabilities of all approved societies in respect of maternity benefit, and the order may provide for the method of calculating the premiums to be charged against the several societies in respect of any such reinsurance, and may contain such other incidental, consequential and supplemental provisions as may appear necessary for the purpose.

35 & 36 Vict. c. 65.

(2) In deciding whether or not they shall make an order under the Bastardy Laws Amendment Act, 1872, for the payment of the expenses incidental to the birth of a child, the justices shall not take into consideration the fact that the mother of the child is entitled to receive maternity benefit.

General Provisions as to Benefits.

Rules of approved societies and insurance committees with respect to administration of benefits, &c.

64.—(1) Subject to the provisions of this Act, an approved society with the consent of the Minister may, and an insurance committee with the approval of the Minister shall, make rules with regard to the manner and time of paying or distributing and the mode of calculating benefits, suspension of benefits, notices and proof of disease or disablement, behaviour during disease or disablement, and the visiting of sick or disabled persons, and for the infliction and enforcement of penalties (whether by way of fines or suspension of benefits or otherwise) in the case of any member being an insured person who is guilty of any breach of any such rule, or of any imposition or attempted imposition in respect of any benefit under this Act:

Provided that—

(*a*) no rule shall provide for the imposition of a fine exceeding ten shillings or, in the case of repeated breaches of rules, twenty shillings;

(*b*) no rule shall provide for the suspension of any benefit for a period exceeding one year;

(*c*) every rule relating to the visiting of insured persons shall provide that women shall not be visited otherwise than by women;

(*d*) every rule relating to behaviour during disease or disablement shall be in the prescribed form;

(*e*) no rule shall provide, or have effect so as to subject any insured person to, any penalty, whether by way of suspension of benefits or otherwise, on account of his refusal to submit to a surgical operation, vaccination or inoculation of any kind, unless the refusal is a refusal to submit to a surgical operation of a minor character and is considered by the society, or by the Minister on appeal to him, unreasonable;

(*f*) no rule shall provide for inflicting suspension of maternity benefit in respect of the confinement of the wife of an insured person as a penalty for breach of rules or imposition or attempted imposition on his part; except where the wife has herself been guilty of any such breach, imposition or attempted imposition;

(*g*) no rule shall be made by an insurance committee relating to anything to be done by, to, or through the Post Office except with the consent of the Postmaster-General.

(2) Notwithstanding any provision to the contrary in any rule, an insured unmarried woman who is pregnant shall not on the ground that her pregnancy was due to misconduct be deprived of any sickness or disablement benefit to which she would but for that provision have been entitled.

(3) Where under any Act regulating the constitution of a society which becomes an approved society the rules of the society are required to be registered, any rules approved under this section by the Minister shall forthwith be registered, but till so registered shall have effect as if they had been duly registered.

PART II. —*cont.*

(4) Regulations may be made enabling approved societies and insurance committees to appoint a person to exercise on behalf of any insured person of unsound mind any right of election which that person is, under this Act, entitled to exercise, and to appoint a person to receive on behalf and for the benefit of such person any sums by way of benefit which would otherwise have been payable to him.

Power to prescribe reduced rates of benefit where contributions are in arrear, &c.

65.—(1) Regulations may be made for the following purposes:—

(*a*) for providing, subject to the provisions of this section, for the reduction, postponement or suspension of benefits (other than medical benefit) in the case of insured persons who are in arrears, and with respect to the effect and amount of payments made and to be made by insured persons by way of cancelling arrears;

(*b*) for empowering approved societies to terminate the membership of any person, being a voluntary contributor, whose arrears during the prescribed period exceed the prescribed number, or of any person, being an employed contributor, whose arrears during the prescribed period exceed the prescribed number, and who is entitled to obtain a certificate of exemption under this Act as being a person who has not been employed for the prescribed number of contribution weeks during any prescribed period;

(*c*) for prescribing the period to which any contribution paid by a voluntary contributor who is in arrears is to be allocated, and providing that for any prescribed purposes any such contribution shall be deemed to have been paid in respect of the period to which it is allocated.

(2) In calculating arrears of contributions, no account shall be taken of arrears accruing—

(*a*) during any period during which the person in question was incapable of work by reason of some specific disease or bodily or mental disablement of which notice was given within the prescribed time; or

(*b*) in the case of a woman who is herself an insured person, during two weeks before and four weeks after her confinement, or in the case of maternity benefit payable in respect of the posthumous child of an insured person, during the period subsequent to the father's death.

(3) Regulations under this section shall provide that, subject to such conditions as may be prescribed, arrears of contributions accruing while a person was insured as an employed contributor during any period in respect of which he proves that he was available for but unable to obtain employment within the meaning of this Act, shall be left out of account.

Provisions in case of persons resident outside the United Kingdom.

66.—(1) Subject to the provisions of this section, a person shall not be entitled to any benefit during any period when he is resident, whether temporarily or permanently, outside the United Kingdom:

Provided that—

(*a*) in the case of a person temporarily resident in the Irish Free State, the Isle of Man or the Channel Islands, this section shall not operate so as to disentitle him to sickness, disablement or maternity benefit for a period of six months from the date on which he becomes so temporarily resident, or, if the society or committee by which the benefit is administered thinks fit to allow a longer period, for such longer period, and any such benefit shall be payable by the society or out of the fund by or out of which it would have been payable if he had continued to reside in the United Kingdom;

(*b*) where provision has been made by legislative enactment in the Isle of Man or in the Channel Islands for the establishment therein of any scheme of national health insurance, the National Health Insurance Joint Committee hereinafter mentioned (in this Act called " the

Joint Committee"), with the consent of the Treasury, may by regulations make arrangements for enabling persons entitled to receive benefits under this Act to receive such benefits while resident in the Isle of Man or the Channel Islands, as the case may be, and for enabling persons entitled to receive benefits under the scheme of national health insurance in the Isle of Man or the Channel Islands, as the case may be, to receive such benefits while resident in the United Kingdom;

(*c*) if with the consent of the society or committee by which benefit is administered a person is temporarily resident outside the United Kingdom elsewhere than in the Irish Free State, the Isle of Man or the Channel Islands, the society or committee may allow him, while so resident, to receive sickness or disablement benefit if the incapacity began before he became temporarily resident outside the United Kingdom.

(2) Provision may be made by regulations for directing that this Act shall, in relation to or in connection with any persons affected by any arrangements made under proviso (*b*) to the preceding subsection, apply subject to such modifications and adaptations as may be prescribed, and may make provision for any necessary financial adjustments.

Mutual arrangements between United Kingdom and Irish Free State.

67.—(1) If the Joint Committee and the authority administering any scheme of national health insurance in the Irish Free State enter into arrangements—

(*a*) for securing continuity of insurance of persons who, being insured in one country, are or become resident and employed in the other country (including the insurance of men serving in the naval, military or air forces, who previously to enrolment or enlistment in any such forces were resident in any part of Ireland other than Northern Ireland, and of men who having so served within six months after their discharge from any such forces become resident in the Irish Free State);

Part II. —*cont.*

(*b*) for securing exemption from liability to make contributions in the case of persons who, being ordinarily resident and not insured in one country, become temporarily employed in the other;

(*c*) with respect to the insurance of persons who, being resident in Northern Ireland, are employed either temporarily or permanently in the Irish Free State, or who, being resident in the Irish Free State, are employed either temporarily or permanently in Northern Ireland;

(*d*) in the case of a ship registered in one country, the owner of which resides or has his principal place of business in the other, for determining in what cases contributions payable in respect of persons employed on the ship are to be payable under the enactments relating to national health insurance in force in one country, and in what cases they are to be payable under those enactments in force in the other;

(*e*) for rendering insurable persons who would have been insurable under the National Health Insurance Acts, 1911 to 1920, if those Acts had continued to apply to the whole of Great Britain and Ireland as a single unit, but who, in consequence of the passing of the Irish Free State (Agreement) Act, 1922, and the Irish Free State Constitution Act, 1922 (Session 2), are insurable neither under this Act nor under the enactments relating to national health insurance in force in the Irish Free State;

12 & 13 Geo. 5. c. 4.
13 Geo. 5. c. 1.

the Joint Committee shall make such orders as may be necessary to carry out any such arrangements, and may by any such order make such modifications in this Act as may be necessary to give effect to the arrangements, and for enabling such financial adjustments to be made as may be necessary or expedient in consequence of those arrangements:

Provided that such an order shall not come into force unless and until the Joint Committee are satisfied that reciprocal provisions having the force of law in

PART II. —*cont.*

the Irish Free State have been made for carrying the arrangements into effect in the Irish Free State, and shall continue in force only so long as the reciprocal provisions continue to have the force of law in the Irish Free State.

(2) An order under this section may provide that where an owner of a ship registered in the United Kingdom does not reside or have his principal place of business in the United Kingdom, the agent in the United Kingdom of the owner shall for the purposes of this Act be deemed to be the employer of the master and members of the crew of the ship.

(3) For the purposes of this section, where there is more than one owner of a ship, the managing owner or manager shall be deemed to be the owner.

(4) In this section the expression " country " means either the United Kingdom or the Irish Free State.

Benefits to be inalienable.

68. Every assignment of or charge on, and every agreement to assign or charge, any benefits shall be void, and, on the bankruptcy of any person entitled to any benefit, the benefit shall not pass to any trustee or other person acting on behalf of his creditors.

Benefits to be transmitted free of cost.

69. Except where special arrangements in that behalf are made at the request of an insured person, no deduction may be made by an approved society as on account of the cost of the transmission of the benefit from the amount payable by way of sickness, disablement or maternity benefit, or any additional benefit.

Power to subscribe to hospitals, &c.

70. An approved society, not being a society in the case of which a disposable surplus was disclosed on the last preceding valuation, or an insurance committee, may from time to time, with the consent of the Minister, make subscriptions or donations of an eleemosynary character to hospitals, dispensaries, and other charitable institutions, or for the support of district nurses, and any sums so expended by an approved society shall be treated as expenditure on benefits.

Repayment of benefits improperly paid.

71.—(1) If it is found at any time that a person has been in receipt of any benefit or any payment under this Act without being lawfully entitled thereto, he, or in the case of his death his personal representatives, shall be liable to repay to the Minister the amount of that benefit or payment, and any such amount may be recovered as a debt due to the Crown, and when so recovered shall be carried to the credit of the society of which that person was a member, or, if he was not a member of an approved society, to the credit of the Deposit Contributors Fund.

(2) In any case where the Minister has not taken proceedings under the preceding subsection to recover from any person the amount so repayable by him, the society or committee concerned may, without prejudice to any other method of recovery, and notwithstanding anything in this Part of this Act making void any assignment of or charge on benefits, recover the amount by deductions from any sickness or disablement benefit payable to that person within four years from the date on which the improper payment was made to that person by the society or committee; so, however, that the amount deducted from any benefit shall not exceed one-fourth of the amount which but for such deduction would be payable.

(3) Subject to the consent of the Treasury, regulations may be made for authorising any sums paid by an approved society or branch of an approved society as on account of benefits to or on behalf of persons not lawfully entitled thereto, so far as not recovered, to be treated, to such extent and subject to such conditions as may be prescribed, as expenditure on benefits, and providing for charging to the administration account of societies any sums so improperly paid as aforesaid, and neither authorised to be treated as expenditure on benefits as aforesaid nor recovered.

Disposal of sums arising from benefits forming part of estate of deceased persons.

72. Regulations may be made—

(*a*) providing for the nomination by an insured person of the persons to whom any sum payable to him by way of benefit and unpaid at the date of his death, or any other sum payable under this Act and forming part of his estate, is to be paid at his death, for the revocation of any such nomination, for the payment of the specified amount to any nominee so nominated, and providing that

Part II. —*cont.*

any such nomination shall take effect as if it were a will of the deceased duly executed, and that notwithstanding the want of due execution, minority or marriage;

(*b*) providing that, subject to the regulations, probate or other proof of the title of the personal representatives of the deceased person may be dispensed with in the case of any such sum as aforesaid, and that any such sum may be paid or distributed to or among the persons appearing in manner provided by the regulations to be beneficially entitled to the personal estate of the deceased person, whether under any such nomination as aforesaid or by law, or as next of kin or as creditors, or otherwise, or to or among any one or more of such persons exclusive of the others, or in the case of any illegitimacy of the deceased person or his children to or among such person or persons as may be directed by the regulations, and that any society or committee making a payment in accordance with the regulations shall be discharged from all liability in respect of the sum so paid.

PART III.

APPROVED SOCIETIES AND INSURANCE COMMITTEES.

Constitution and Government of Approved Societies.

Constitution of approved societies.

73.—(1) Any society, that is to say, any body of persons corporate or unincorporate (not being a branch of another such body), registered or established under any Act of Parliament or by Royal Charter, or, if not so registered or established, having a constitution of such a character as may be prescribed, may, if it complies with the requirements of this Act relating to approved societies, be approved by the Minister, and, if so approved, shall be an approved society for the purposes of this Act:

Provided that, where any society establishes for the purposes of this Act a separate section consisting of insured persons, whether with or without honorary

Part III. —*cont.*

members not being insured persons, and so constituted as to comply with the requirements of this Act relating to approved societies, that separate section may be approved by the Minister, and, if so approved, shall be an approved society, and the provisions of this Act relating to the conditions of approval of societies and to approved societies shall apply only to the separate section of the society.

(2) No society shall be approved by the Minister unless it satisfies the following conditions :—

(*a*) that it is not a society carried on for profit;

(*b*) that its constitution provides to the satisfaction of the Minister for the affairs of the society being subject to the absolute control of its members being insured persons or, if the rules of the society so provide, of its members whether insured persons or not, and for the election and removal of the committee of management or other governing body of the society, in the case of a society whose affairs are managed by delegates elected by members, by those delegates, and in other cases in such manner as will secure absolute control by its members;

(*c*) that, if the society has honorary members, its constitution provides for excluding the honorary members from the right of voting in their capacity of members of the society on all questions and matters arising under this Act.

(3) The Minister may grant approval either unconditionally or subject to the condition that the society shall within such time as the Minister may allow take such steps as may be necessary to make the society comply with the requirements of this Act relating to approved societies.

Provisions as to societies having members in more than one national area.

74.—(1) A society shall not be required to be approved in respect of any national area other than that in which its registered or head office is situate, by reason of the fact that among its members are persons for the time being resident in that other area, but (without prejudice to the right of a person who within one year after ceasing to be a member of a society becomes an employed contributor

Part III. —*cont.*

to be re-admitted as a member of that society) a society shall not admit as a member any person resident at the time of admission in any national area in respect of which the society is not an approved society, or any man of the forces who immediately before his entry or enlistment was not resident in any national area in respect of which the society is an approved society.

(2) A society which has been approved for more than one national area may relinquish approval for any area other than that in which its registered office, or its head office, as the case may be, is situate, if it satisfies the Joint Committee that it fulfils one or other of the following conditions, that is to say—

(*a*) that no person being a member of the society is resident in the national area in respect of which approval is proposed to be relinquished; or

(*b*) that any members who are so resident were at the time when they were admitted to membership of the society resident in a national area in which the society will remain an approved society.

For the purposes of this subsection, admission to membership of a society means admission to membership whether for the purposes of this Act or for any other purposes of the society, and in the case of a society which is a separate section of another society includes admission to membership of that other society.

(3) Where the Joint Committee are satisfied that the number of those members of any society approved for more than one national area who are resident in a national area other than that in which the registered or head office of the society is situate is less than such proportion of the total number of the members of the society, and does not exceed such minimum number as may be prescribed by regulations of the Joint Committee, the Committee may, if they think fit, and after consultation with the committee of management of the society, withdraw approval from the society in respect of that national area.

Provisions as to members resident in area for which

75.—(1) Where any members of a society reside in a national area in respect of which the society is not an approved society, the provisions of this Act relating to payments into and out of the National Health Insurance Funds for Scotland, Northern Ireland and Wales, shall apply as if those members resided in the national area in which the registered or head office of the society is situate, or in the case of a society with branches, in which the registered office of the branch of which they are members is situate:

Part III. —*cont.* society is not approved.

Provided that the amount to be contributed out of moneys provided by Parliament towards the benefits (including the cost of administration of benefits) of any such members as aforesaid shall, whatever the situation of the registered or head office of the society or the office of the branch, be paid, in the case of such of those members as are actually resident in Northern Ireland out of moneys provided by the Parliament of Northern Ireland, and in the case of such of those persons as are not actually resident in Northern Ireland out of moneys provided by the Parliament of the United Kingdom.

This subsection shall apply as respects the members of a branch of a society resident in a national area other than that in which the office of the branch is situate, notwithstanding that the society is approved for that area, unless the Joint Committee on the application of the society otherwise determine, but no branch to which the said provisions apply shall admit as a member of the branch any person resident at the time of admission in any national area other than that in which the office of the branch is situate.

(2) Where at the commencement of this Act those members of any society, being a society which has among its members persons resident in any two or more national areas, who are resident in a national area other than that in which the registered or head office of the society is situate, are for the purposes of the provisions of this Act relating to valuations, surpluses, deficiencies and transfers, treated as if they formed a separate society, such members of that society as are from time to time resident in that other national area shall continue to be so treated:

Provided that, where the members of any such society who are resident in a national area other than that in which the registered or head office of the society is situate satisfy the Joint Committee that they no longer desire to be treated for the purposes of the provisions of this Act relating to valuations, surpluses, deficiencies and transfers as if they formed a separate society, then,

PART III. —*cont.*

subject to the consent of the committee of management of the society, those members shall, as from such date as the Joint Committee may determine, cease to be so treated: so, however, that such cesser shall not affect any scheme relating to a surplus or deficiency which is in force at the date of such cesser.

In the exercise of their powers under this proviso, the Joint Committee shall consult with the Minister, the Department of Health for Scotland, or the Ministry of Labour for Northern Ireland, as the case may require, and shall hold an inquiry, or, where in their opinion the wishes of the members cannot otherwise be properly ascertained, cause a poll to be taken in manner prescribed by regulations of the Committee.

Special provisions as to approval of employers' provident funds, &c.

76.—(1) Where a society consists of persons entitled to rights in a superannuation or other provident fund established for the benefit of persons employed by one or more employers, the society may, subject as hereinafter provided, be approved under this Act, notwithstanding that the employer is entitled to representation on the committee or other body administering the fund, if the employer's representation does not exceed one-quarter of the total number of the body and if the employer, in addition to the employer's contributions payable by him under this Act, is responsible for the solvency of the fund or for the benefits payable thereout, or is liable to pay a substantial part of, to make substantial contributions to, or substantially to supplement, the benefits payable out of the fund:

Provided that no such society as aforesaid shall be approved—

(*a*) unless its constitution provides that so far as concerns benefits the society may not refuse to allow a member to transfer to another approved society or to allow a member who is discharged from or leaves the employment of the employer and is unable to obtain admission to another approved society on account of the state of his health to continue a member, and that the election of the members of the committee of management (other than the employer's representatives) shall be by ballot; or

(*b*) if the employer makes membership of the society a condition of employment.

(2) Where for the purpose of enabling any such society as aforesaid to become an approved society it is necessary to make any alteration in the existing rules or constitution of the society which it is not competent for the society under its existing constitution to make, a scheme for the purpose may be submitted for the approval of the Minister, and, where such a scheme has been approved by the Minister, the Act or deed constituting the society shall have effect subject to the provisions of the scheme, but the Minister shall not approve any such scheme unless he is satisfied that the members of the society have been given an opportunity of voting by ballot thereon and that the scheme makes proper provision for safeguarding existing rights and interests.

Power to register under Friendly Societies Act, 1896. 59 & 60 Vict. c. 25.

77. Any society for the purpose of carrying on business under this Act, and whether for that purpose alone or for that purpose in conjunction with any purpose mentioned in subsection (1) of section eight of the Friendly Societies Act, 1896, may be registered as a friendly society under that Act, notwithstanding that the contributions under this Act are not voluntary.

Application of Acts of Parliament to approved societies and sections.

78.—(1) Except in so far as may be inconsistent with this Act, any business transacted under this Act by an approved society shall be treated as part of the ordinary business transacted by societies of the class to which that society belongs, and any enactment applying to the society in relation to the transaction of such ordinary business shall apply accordingly in relation to the business transacted by the society under this Act.

(2) This section shall apply to an approved society which is a separate section of another body, subject to the necessary adaptation.

Rules for government of approved societies.

79.—(1) Every approved society shall, as respects the administration of the affairs of the society under this Act, make proper provision by rules to the satisfaction of the Minister for the government of the society, including, in the case of a society with branches, provision for the following matters—

(*a*) the government of the society and its branches;

(*b*) the determination of disputes arising between the society and any branch, or between one branch and another;

Part III.—*cont.*

(*c*) the administration of benefits by the branches as respects insured persons who are members of those branches;

(*d*) the keeping of proper books of account by the branches in any case where separate accounts are usually kept by those branches;

(*e*) depriving of or suspending from the right of administering benefits any branch which is guilty of maladministration of benefits, or is convicted of any offence under any Act, and for providing for the administration of benefits in such a case by the society or otherwise.

(2) Every approved society and every branch thereof shall comply with any regulations as to the place in which meetings are to be held, and regulations may provide for the use for such meetings, with or without payment, of any offices or other buildings under the control of a Government department (including offices or buildings occupied by or in connection with an employment exchange) or belonging to or under the management of a local authority, but subject to the consent of the Government department or the local authority concerned.

(3) Where under any Act regulating the constitution of an approved society the rules of the society are required to be registered, any rules approved under this section by the Minister shall forthwith be registered, but until so registered shall have effect as if they had been duly registered.

Power of Minister to require amendment of rules.

80. Where the Minister is of opinion that the rules of an approved society do not properly provide for the administration of the affairs of the society under this Act, or that any of the rules is likely to prejudice unfairly any member of the society—

(*a*) the Minister may by notice require the committee of management of the society, within such time as may be specified in the notice, to submit for his approval a draft of amendments of the rules so as to make provision for the purposes set forth in the notice;

(*b*) if the committee of management within the time so specified fail to submit such a draft or fail to submit a draft which the Minister is prepared to approve, the Minister may give further notice to the society requiring the rules to be amended in the manner specified in the notice;

Part III. —*cont.*

(*c*) if at a general meeting of the society held next after the expiration of a period of three months from the approval of such a draft, or, as the case may be, of a period of three months from the receipt of the further notice, the rules are not amended in accordance with the approved draft or the further notice, the Minister may make an order amending the rules in manner specified in the order, and thereupon the rules of the society as so altered by the order shall be deemed to be the rules of the society approved by the Minister:

Provided that the Minister shall, if so required by the society, before making any such order, appoint an independent body constituted in accordance with regulations under this Act to investigate and report on the state of affairs under the existing rules of the society and on the amendments of the rules specified in the approved draft or the further notice, and the Minister in making the order shall have regard to the report of the investigating body.

Security to be given by approved societies.

81.—(1) Every approved society and every society desirous of becoming an approved society shall give such security as the Minister may consider sufficient to provide against any malversation or misappropriation by officers of the society of any funds coming into the hands of the society under this Act, and in determining the amount of the security to be required the Minister shall have regard to the amount of the funds so coming into the hands of the society:

Provided that no security shall be required from any society which proves to the Minister that the only funds coming into the hands of the society under this Act are such funds as are required for reimbursing to the society sums previously expended by the society under this Act.

(2) In the case of an approved society with branches having insured persons among their members, security shall be given by the society in respect of each branch.

(3) The Minister may from time to time vary the amount of security to be required from an approved society as may be thought proper, and where security is given by way of deposit of securities, the society which made the deposit may, with the consent of the Minister, substitute other securities for the securities for the time being deposited.

(4) Any dividends or interest arising from securities deposited by an approved society under this section shall be paid or credited to the society.

Provisions against maladministration.

82.—(1) For the purpose of providing against maladministration by approved societies and their officers, regulations may be made for applying to approved societies and to branches of approved societies, and to officers and members thereof, the provisions of sections thirty-five and fifty-five of the Friendly Societies Act, 1896, and any of the other provisions of that Act relating to offences, penalties and legal proceedings, and any such regulations may provide that proceedings for any offence under subsection (3) of section eighty-seven of the said Act, as applied by the regulations, may be brought within two years from the date of the commission of the alleged offence.

(2) Any of the said provisions may be applied with or without any adaptation or modification, so, however, that the penalty for offences, other than fraud, false declarations, misappropriation or falsification, shall not be made to exceed a fine of five pounds.

(3) Regulations under this Act may provide for authorising the Minister, in any case in which he has reason to believe that the affairs under this Act of an approved society are not being properly administered in any respect, to cause an inquiry to be held into the administration of the affairs of the society, and if he is satisfied as a result of the inquiry that the administration should be improved, and the society fail after such period as he may determine to introduce such reforms into the administration as are necessary, to order the amount which may be carried to the administration account of

the society out of contributions under this Act to be reduced by such sum as he may direct.

Withdrawal of approval.

83.—(1) Where an approved society fails to comply with any of the provisions or requirements of this Act relating to approved societies, or where such a society or the body of which the society forms a separate section is convicted of an offence under any Act regulating its constitution or under any other Act, the Minister may withdraw approval, and thereupon the society shall cease to be an approved society, and the Minister shall make such provision as he may consider necessary with respect to members of the society who are insured persons.

(2) Provision may be made by regulations for authorising, in cases where it appears expedient in the interest of the members of the society to do so, the withdrawal of approval from a society on account of maladministration of its affairs under this Act.

(3) In case of the maladministration of the affairs of any branch of an approved society, whether a branch which is separately registered or a branch which has been recognised by the Minister under this Act, the Minister may declare that the branch shall cease to be a branch for the purposes of this Act.

Dissolution, Amalgamation, &c.

Dissolution of societies.

84.—(1) An approved society shall not be dissolved without the sanction of the Minister.

(2) Provision may be made by regulations for the manner and conditions in and upon which the dissolution of approved societies may be carried into effect, and in connection with that purpose for—

(*a*) the valuation of the assets and liabilities of dissolved societies under this Act;

(*b*) the reduction (either permanently or temporarily) in the event of a deficiency being disclosed, of the rates of benefits payable to members and the periods during which those benefits or any of them are payable;

(*c*) the establishment of a special fund to which contributions of members are to be paid, and out of which benefits are to be paid; and (*d*) the application, subject to the prescribed modifications, adaptations and exceptions, to the special fund and the members thereof, of the provisions of this Act relating to approved societies and to membership of and transfer to and from approved societies.

(3) This section shall have effect notwithstanding anything contained in any Act regulating the constitution of the society.

Amalgamation, transfer of engagements, &c. of societies.

85.—(1) Provision may be made by regulations as to the manner in and the conditions on which the following matters may be carried into effect:—

(*a*) the amalgamation for the purposes of this Act of any two or more approved societies, or of an approved society with a society which is not an approved society, or of any two or more branches of an approved society;

(*b*) the transfer by an approved society of its engagements under this Act, or of such of those engagements as relate to members resident in any particular national area or as relate to men only or women only, to any other approved society or to any two or more other approved societies which may undertake to fulfil those engagements;

(*c*) the transfer of the engagements of a branch of an approved society, or of such of those engagements as relate to men only or to women only, to any other branch, or to any two or more other branches, of that society or of any other society, or to that society or to any other society or to any two or more other societies;

(*d*) the financial adjustments to be made on any such amalgamation or transfer.

(2) Regulations under this section may provide that where the committee of management of a society with branches desire to alter the constitution of the society so as to secure that for the purposes of the administration of the affairs of the society under this Act the society shall cease to be a society with branches, or the branches in different areas shall be grouped, and where not less than the prescribed proportion of the members of the society present at a general meeting, or, in the case of a society

whose affairs are managed by delegates elected by members, of those delegates so present, consent thereto—

(*a*) an amalgamation for the purposes of this Act of all the branches of the society or of all the branches of the society within any area; or

(*b*) a transfer to the society of the engagements under this Act of all the branches of the society, or a transfer to one branch of the society in any area of the engagements of all the other branches of the society within the same area,

may take effect notwithstanding that any one or more of the branches concerned may not consent.

Secession, expulsion and dissolution, &c. of branches.

86.—(1) Provision may be made by regulations—

(*a*) with respect to the manner and conditions in and upon which the secession, expulsion or dissolution of a branch of an approved society in respect of its business under this Act may be carried into effect, and for the financial adjustments to be made on any such secession, expulsion or dissolution;

(*b*) for enabling or requiring an approved society with branches to establish, subject to the prescribed conditions and in the prescribed manner, a central fund for the purpose of administering the benefits of any of the members of any branch which may secede or be dissolved or expelled or cease to be a branch for the purposes of this Act, and with respect to payments into and out of any fund so established and with respect to the transfer of any persons for whose benefits the fund is liable to any other branch of the society;

(*c*) for enabling an approved society, not being an approved society with branches, to establish branches, and to apportion among the branches, subject to the prescribed conditions, all or any of the funds of the society.

(2) This section shall have effect notwithstanding anything contained in any Act regulating the constitution of the society.

PART III. —*cont.*

Membership of Approved Societies.

Admission of insured persons to membership in approved societies.

87.—(1) Subject to the provisions of this Act, any insured person and any person entitled to become an insured person may apply to an approved society for membership.

(2) An approved society shall be entitled, in accordance with its rules, to admit or reject any person so applying for membership, or to expel any of its members being insured persons:

Provided that no such application shall be refused solely on the ground of the age of the applicant.

(3) If any approved society to which or to the duly appointed agent of which, being a person receiving applications for admission to the society, any person not being a member of any approved society delivers an application in proper form for admission to the society, does not within a period of three months after the date on which the application is so delivered deliver or send by post to that person a notification in writing that his application has been rejected, that person shall be deemed to have been admitted a member of the society as on the date of delivery of the application.

Prohibition against double insurance.

88.—(1) A person shall not be, or attempt to become, a member for the purposes of this Act of more than one approved society at the same time, or, being a deposit contributor, to become at the same time a member for the purposes of this Act of an approved society.

(2) Nothing in this Act shall prevent any person who is a member of an approved society under this Act becoming a member of the same or any other society independently of this Act, or prevent a deposit contributor becoming a member of any society independently of this Act, or affect the right of an approved society to reject or expel from membership any person not being an insured person, or the rights or liabilities of an approved society or of any member thereof arising otherwise than under this Act.

(3) Subject to the provisions of this Act, all rules made by a society which becomes an approved society or any branch thereof shall remain and be of the same force and effect as though this Act had not been passed.

Part III. —*cont.*

Termination of membership of approved societies.

89.—(1) Subject to the provisions of this Act, a member of an approved society shall be entitled, on giving the prescribed notice and on complying with the prescribed conditions, to terminate his membership of the society and become a member of another society or a deposit contributor:

Provided that—

(i) a member of an approved society shall not be entitled to terminate his membership except as at the prescribed times, and the prescribed times shall be so fixed as to give opportunities for terminating membership at intervals not greater than twenty-seven weeks;

(ii) if an approved society, within thirty days after receiving notice from a member that he desires to terminate his membership, gives notice to the Minister and to the member that it objects to the member so doing and proves to the satisfaction of the Minister that the society would be prejudiced in its administration by the retirement of the member, the Minister may, if in the circumstances of the case and having regard to the interests of the insured person he thinks it proper so to do, declare the notice cancelled, and in such case the member shall remain a member of the society as if no notice had been given;

(iii) subject to the consent of the Minister, an approved society may, during any period not exceeding two years from the date on which the result of a valuation is declared, suspend, except in any specified circumstances, the right of insured persons who are members of the society to terminate their membership;

(iv) if it appears to the Minister at any time as regards an approved society that, having regard to the interests of the society as a whole, it is not desirable that individual members of the society should be allowed to terminate their membership and that the circumstances are such that the engagements of the society ought to be transferred

PART III. —*cont.*

to another society, he may declare the right of termination of membership to be suspended, and while any such declaration is in force no person shall, except with the consent of the Minister, terminate his membership of that society;

(v) a member of an approved society on terminating his membership shall, unless he is a person who entered into insurance within the two years immediately preceding the date on which he gave notice of desire to terminate membership and has not previously been transferred from some other approved society, pay to the society the prescribed fee.

(2) The provisions of the preceding subsection shall apply to the termination of membership of a branch of an approved society in like manner as they apply to the termination of membership of an approved society, subject to the following modifications:—

(*a*) in the case of a person desiring to terminate his membership of a branch for the purpose of transferring to another branch of the same society, proviso (ii) shall have effect with the substitution of the central authority of the society for the Minister and proviso (v) shall not apply unless the rules of the society so provide; and

(*b*) the power under proviso (iii) shall be exercised by the central authority of the society subject to the consent of the Minister.

(3) If any officer, servant or agent of an approved society directly or indirectly pays or provides, or offers to pay or provide, any fee or part of any fee payable under this section, he shall be liable on summary conviction to a fine not exceeding five pounds.

(4) Any person being a member of an approved society to whom a certificate of exemption is granted under this Act, or who otherwise ceases to be an insured person, shall upon the grant of the certificate or on so ceasing, as the case may be, cease to be a member of the society:

Provided that, if any person within one year after so ceasing to be a member of a society becomes an employed contributor, he shall on making an application for the purpose within the prescribed time be entitled to be re-admitted as a member of the society, and the society shall re-admit him accordingly.

(5) The suspension of a member of an approved society from benefits shall not be deemed to deprive him of his membership of the society.

Provision as to members of approved societies who are minors.

90. Any member of an approved society who is a minor may execute all instruments and give all acquittances necessary to be executed or given under the rules of the society, but shall not be a member of the committee or a trustee, manager or treasurer of the society or any branch thereof.

Insurance Committees.

Constitution of insurance committees.

91.—(1) There shall be an insurance committee for every county and county borough.

(2) Every insurance committee—

(*a*) shall be a body corporate by the name of "The Insurance Committee for the County (or Borough) of ";

(*b*) shall have perpetual succession and a common seal;

(*c*) shall, subject in every case to the consent of the Minister, have power to take, purchase and hold land for the purposes of this Act without any licence in mortmain.

(3) An insurance committee shall consist of such number of members as the Minister, having regard to the circumstances of each case, may determine, but in no case less than twenty or more than forty, of whom—

(*a*) three-fifths shall be appointed in such manner as may be prescribed so as to secure representation of the insured persons resident in the county or county borough who are members of approved societies and of the insured persons so resident who are deposit contributors in proportion, as nearly as may be, to their respective numbers;

Part III. —*cont.*

(*b*) one-fifth shall be appointed by the council of the county or county borough;

(*c*) two members shall be appointed by the local medical committee for the county or county borough;

(*d*) one member shall be a medical practitioner appointed by the council of the county or county borough;

(*e*) the remaining members shall be appointed by the Minister:

Provided that—

(i) the regulations with respect to the appointment of members to represent insured persons shall provide for conferring on the approved societies which have members resident in the county or county borough the power of appointing the representatives of those members, and, where an association of the deposit contributors resident in the county or county borough has been formed under the regulations, for conferring on that association the power of appointing the representatives of the deposit contributors; and

(ii) of the members appointed by the council of the county or county borough two at least shall be women, and of the members appointed by the Minister one at least shall be a medical practitioner and two at least shall be women.

(4) Where in pursuance of the provisions of this Act any part of the cost of medical benefit is defrayed by the council of the county or county borough, the Minister may increase the representation of the council and make a corresponding diminution in the representation of the insured persons.

Procedure &c. of insurance committees.

92.—(1) Provision may be made by regulations—

(*a*) with respect to the appointment, quorum, term of office and rotation of members and proceedings generally of an insurance committee, including the appointment of sub-committees consisting wholly or partly of members of the committee;

Part III. —*cont.*

(*b*) with respect to the employment of officers and the provision of offices by the committee, including the use by the committee, with or without payment, of any offices of a local authority, but subject to the consent of such authority;

(*c*) for the constitution of district insurance committees, and for apportioning among the several district insurance committees any of the powers and duties of the committee;

(*d*) for regulating the relations of district insurance committees to the insurance committee and to one another; and

(*e*) for modifying the provisions of subsection (3) of the last preceding section in their application to an insurance committee consisting of less than forty members:

Provided that the Minister in making regulations under this paragraph shall have regard to the desirability of maintaining, so far as practicable, the proportion between the several classes of persons to be appointed as members of insurance committees as prescribed by the said subsection.

(2) At least one woman shall be on every sub-committee constituted by an insurance committee for dealing with the administration of any benefit.

Payment by insurance committees of travelling expenses, subsistence allowances, &c.

93.—(1) If the special circumstances of any county or county borough are such that the Minister considers that the travelling expenses of the members of the insurance committee for that county or county borough should be repaid to them by the committee, the Minister may authorise the committee to repay the whole or any part thereof, and any sum so repaid shall be treated as part of the administration expenses of the committee.

(2) In addition to any allowances for travelling expenses which may be paid under this section, an insurance committee may pay to the members of the committee subsistence allowance and compensation for loss of remunerative time in accordance with a scheme prepared by the committee and approved by the Minister, and there shall be paid out of moneys provided by

Part III. —*cont.*

Parliament towards the expenses of the insurance committee under any such scheme, such sum, if any, as the Minister, with the consent of the Treasury, may determine, so, however, that the aggregate amount paid under this subsection shall not exceed twenty-eight thousand pounds in any one year.

(3) Subject to such conditions and restrictions as may be prescribed, an insurance committee may, for the purpose of securing to any of its officers or servants on retirement superannuation allowances or other benefits, make contributions to any fund providing such benefits approved by the Minister, and any contributions so made shall be treated as part of the administration expenses of the committee.

(4) An insurance committee may pay any sum, not exceeding in respect of any year ten pounds, or such greater amount as the Minister approves not exceeding twenty pounds, as a subscription to the funds of any association of insurance committees whose objects are approved by the Minister, as well as any reasonable expenses of the attendances of representatives, not exceeding in any case four, at meetings of any such association, on a scale to be approved by the Minister, and any sums so paid shall be treated as part of the expenses of the committee.

Combination of insurance committees.

94. Any insurance committee may, and, if so required by the Minister, shall, combine with any one or more other insurance committees for all or any of the purposes of this Act, and, where insurance committees so combine, the provisions of this Act shall apply with such necessary adaptations as may be prescribed.

Default by insurance committees.

95.—(1) Without prejudice to his power to take any other proceedings, the Minister may, if after a public inquiry he is satisfied that by reason of the default of an insurance committee in the performance of their duties the administration of medical benefit or of the benefits of deposit contributors in the area of the committee is being prejudiced, by order declare that the existing members of the committee have vacated their office.

(2) Every such order shall provide for the appointment forthwith, subject to the provisions of this Part of this Act, of a new committee, and may contain such provisions as seem to the Minister

expedient for authorising any person to act in the place of the committee pending the appointment of the new committee.

Powers and duties of insurance committees.

96.—(1) An insurance committee shall, in addition to the other powers and duties conferred and imposed on them by this Act, have the following powers and duties:—

(*a*) they shall make such reports as to the health of insured persons within the county or county borough as the Minister may prescribe, and shall furnish to him such statistical and other returns as he may require, and may make to him such other reports on, and on the conditions affecting, the health of those persons, and may make such suggestions with regard thereto, as they may think fit, and the reports and returns so made shall include such reports and returns as will enable an analysis and classification to be made of the persons who are deposit contributors;

(*b*) they shall make such provision for the giving of lectures and the publication of information on questions relating to health as they think necessary or desirable, and may, if they think fit, for that purpose make arrangements with local education authorities, universities and other institutions.

(2) For the purpose of assisting insurance committees in the exercise and performance of their powers and duties under this Act, and with a view to promoting co-operation between such committees and the councils of counties, boroughs, and urban and rural districts, any medical officer of health may, at the request of an insurance committee and with the consent of the council by whom he is appointed, attend meetings of the committee and give such advice and assistance as is in his power.

(3) The Minister shall forward copies of any reports, returns, and suggestions made under this section to the councils of the counties, boroughs, and urban and rural districts, which appear to him to be affected thereby or interested therein.

Part III. —*cont.*

(4) In this section references to the council of a borough include references to the common council of the City of London and the council of a metropolitan borough.

Local medical committees.

97. Where a local medical committee has been formed for any county or county borough or for any area for which a district committee has been constituted and the Minister is satisfied that the committee is representative of the medical practitioners resident in the county, county borough or area, he shall recognise the committee, and where a local medical committee has been so recognised, that committee shall, subject to regulations, be consulted by the insurance committee or district committee, as the case may be, on all general questions affecting the administration of medical benefit, including the arrangements made with medical practitioners for giving attendance and treatment to insured persons, and shall perform such other duties and shall exercise such powers as may be determined by the Minister.

Panel committees.

98. Where under this Act or any regulations it is the duty of an insurance committee to ascertain, in respect of any matter affecting the administration of medical benefit in the area, the opinions and wishes of the medical practitioners who have entered into agreements with the committee for attendance on and the treatment of insured persons whose medical benefit is administered by the committee, they shall do so through a committee appointed by those practitioners in accordance with regulations (in this Act referred to as " the panel committee "), and the panel committee shall perform such duties and shall exercise such powers as may be determined by the Minister, and in any area in which no local medical committee has been recognised under the provisions of the last preceding section of this Act, a panel committee may be recognised as the local medical committee for that area.

Pharmaceutical committees.

99. In every county or county borough there shall, in accordance with regulations, be elected by the persons who have agreed to supply drugs, medicines and appliances to insured persons whose medical benefit is administered by the committee, a local committee (in this Act referred to as " the pharmaceutical committee "), and the pharmaceutical committee shall, subject to regulations, be consulted by the insurance committee on all general questions affecting the supply of drugs, medicines and appliances to insured persons, and shall perform such duties and exercise such powers as may be determined by the Minister.

Provision by insurance committees for expenses of panel and pharmaceutical committees.

100.—(1) An insurance committee, if requested so to do by the panel committee or the pharmaceutical committee, may be authorised by the Minister out of moneys available for the provision of medical benefit within the area to allot to each of those committees respectively for the administration expenses of the committee, such a sum as may be determined by the insurance committee with the consent of the Minister not exceeding twopence in all in respect of each year in respect of each insured person entitled to obtain medical attendance and treatment from the practitioners who have entered into agreement with the insurance committee.

(2) Any travelling expenses incurred by members of any panel committee or pharmaceutical committee in attending meetings of the committee or of any sub-committee thereof, and any expenses incurred by any such members on account of subsistence while so attending, shall be deemed to be administration expenses of the panel or pharmaceutical committee, as the case may be.

PART IV.

FINANCIAL PROVISIONS RELATING TO APPROVED SOCIETIES AND INSURANCE COMMITTEES.

Accounts of Approved Societies.

Accounts of approved societies.

101.—(1) Every approved society and every branch of an approved society shall—

(*a*) keep its books and accounts under this Act separate from all other books and accounts of the society or branch, and in such form as may be prescribed, and when required submit them to audit by auditors appointed by the Treasury:

(*b*) submit to have its assets and liabilities under this Act valued in accordance with the provisions of this Act;

Part IV. —*cont.*

(*c*) in the event of a surplus or deficiency being shown upon any such valuation, comply with the provisions relating to surpluses and deficiencies hereinafter contained;

(*d*) render such returns as the Minister may require, including such particulars with respect to the insurance of any person who is or was a member of the society as the Minister may require for the purposes of the Contributory Pensions Act.

(2) The provisions of this Act relating to accounts, audit, valuation and returns shall, as respects the transactions of any approved society or branch thereof under this Act, be substituted for such of the provisions of any Act regulating the constitution of the society or branch as deal with the like matters.

(3) In the case of a society or branch transacting other business (in this Act referred to as " private business ") as well as insurance business under this Act (in this Act referred to as " state business "), all funds and credits of the society or branch under this Act shall be as absolutely the security of the members for the purposes of this Act as if they belonged to a society or branch carrying on no other business than state business, and shall not be liable for any contracts of the society or branch for which they would not have been liable had the business of the society or branch been only state business, and shall not be applied directly or indirectly for any purposes other than those of state business.

Where there has been established a separate section of a society and that separate section is an approved society under this Act, the expression " society " in this subsection means the society of which the separate section has been established and not the separate section.

Administration expenses of approved societies.

102.—(1) Subject to the provisions of this section, provision shall be made by regulations for a separate account being kept in respect of every society and branch of a society showing the amount expended on administration by that society or branch, and for applying to the audit of expenditure out of that separate account the provisions of the Fourth Schedule to this

Part IV. —*cont.*

Act subject to the necessary modifications and for limiting the amount which may be carried to that account out of the contributions under this Act, and for requiring any deficiency in that account, if not otherwise defrayed to be met forthwith by a special levy.

(2) Subject to the consent of the Treasury, regulations may, notwithstanding any other provision of this Act, be made for authorising an approved society, being a society registered under the Friendly Societies Acts, 1896 to 1929, under the Trade Unions Acts, 1871 to 1927, or under the Industrial and Provident Societies Acts, 1893 to 1928, which carries on private business as well as state business, with the consent of the Minister and subject to any prescribed conditions as to audit or otherwise, either to keep a joint account for the purpose of the administration expenses of both the private business and the state business, or for the purpose of some part of those expenses, or to pay out of the funds standing to the credit of the administration account kept by the society in respect of the state business to the account kept by the society in respect of its private business any sum not exceeding the prescribed amount, upon the terms that all or some part of the administration expenses in connection with the state business shall be defrayed out of the funds standing to the credit of the account kept in respect of the private business, and providing that the provisions of this Act relating to the audit of the accounts of approved societies shall not apply in any such case.

(3) Regulations may be made—

(*a*) imposing on members of any society who fail to pay within the prescribed time any levy which they are liable to pay such penalty by way of reduction, postponement or suspension of benefits as may be prescribed and providing for the necessary adjustments in the accounts of the society;

(*b*) extending to branches of approved societies with or without modification the provisions of any regulations made under this subsection or under subsection (2) of this section with respect to approved societies.

Part IV. —*cont.*

Valuation of Approved Societies.

Valuation of approved societies.

103.—(1) A valuation of the assets and liabilities arising under this Act of every approved society and of every branch of an approved society shall be made by a valuer, to be appointed by or with the approval of the Treasury, at the expiration of every five years or at such other times as the Minister may appoint, and the times so appointed may be at shorter or longer intervals than five years and at regular or irregular intervals, and may apply to all approved societies or any particular society or societies.

(2) Every valuation shall be made on such basis as may be prescribed.

Provisions as to application of surpluses.

104.—(1) The following provisions shall have effect in any case where on a valuation under the last preceding section there is found a surplus which is certified by the valuer to be disposable :—

(*a*) if the society is not a society with branches, the society may submit to the Minister a scheme for distributing out of the surplus any one or more additional benefits among insured persons who are members of the society for the purposes of this Act, and upon any such scheme being sanctioned by the Minister, the society may distribute the additional benefit or benefits in accordance with the provisions of the scheme;

(*b*) if on the valuation of a branch of an approved society, a surplus is shown in respect of the branch, the branch may, with the approval of the society, submit to the Minister a scheme for distributing out of the surplus any one or more additional benefits among insured persons who are members of the branch for the purposes of this Act, and upon any such scheme being sanctioned by the Minister, the branch may distribute the additional benefit or benefits in accordance with the provisions of the scheme;

(*c*) if at any time after a scheme submitted by a society or branch has been so sanctioned as aforesaid, there is found to be a deficiency in the funds of the society or branch, no additional benefits shall be distributed under the scheme until the deficiency is extinguished.

(2) The duration of the scheme shall be such as may have been previously fixed by the Minister, but may be varied by the Minister from time to time, and the valuer in determining the amount of the surplus which is disposable shall treat as disposable such part only of the surplus as in his opinion may reasonably, having regard to the circumstances and prospects of the society or branch, be expended within the period of the duration of the scheme as so fixed or varied.

(3) Any such scheme may provide for allocating out of the disposable surplus such maximum sum as may be prescribed for the purpose of making occasional subscriptions or donations of an eleemosynary character to hospitals, dispensaries or other charitable institutions, or for the support of district nurses, or for the purposes of medical research to institutions approved by the Minister; and where a scheme makes provision for such expenditure, sums may, subject to any conditions imposed by the scheme and until there is found to be a deficiency in the funds of the society or branch, be so expended, and shall be treated as expenditure on benefits.

(4) A scheme made under this section may determine the conditions to be complied with as respects the additional benefits and may provide for the reduction, suspension or deprivation of the additional benefits in the case of members who are in arrears, and if it so provides may make a corresponding modification in any regulations providing for the reduction, suspension or postponement of benefits (other than additional benefits) on account of arrears.

(5) No surplus and no part of any surplus shall be applied either—

(*a*) for the purpose of paying any benefits payable on death or any benefits other than one or more of the additional benefits specified in the Third Schedule to this Act; or

(*b*) towards making good any deficiency in any other society or branch.

(6) A member of a society or branch shall not be entitled to an additional benefit unless such conditions relating to the period of membership of the society or branch as may be prescribed with respect to that benefit are complied with in his case.

PART IV. —*cont.*

(7) In this section the expression "additional benefits" in relation to any scheme means the additional benefits authorised by the scheme.

Regulations with respect to schemes.

105. Regulations may be made with respect to the administration of schemes under the last preceding section and of any additional benefit, and with respect to the arrangements for the provision of any service or appliances towards the cost of which payment may be made by way of additional benefit; and any scheme providing for any additional benefit shall, except so far as the Minister may otherwise direct, have effect as if the regulations relating to the benefit were incorporated in the scheme, and the provisions of the scheme made subject thereto:

Provided that such regulations shall not restrict the right on the part of any insured person to obtain treatment from any practitioner, clinic, or other institution with whom arrangements with respect to that form of treatment have been made in accordance with the regulations.

Power of Minister to restrict new entrants into society providing additional benefits.

106. Where the Minister is satisfied that the number of members of a society or branch who are or may become entitled to any additional benefit under a scheme has since the scheme came into operation increased to such an extent that a further increase in the number of such members would be likely to affect prejudicially the financial position of the society or branch, the Minister may by order direct that the society or branch shall not without his consent accept as a member of the society or branch during the period of the operation of the scheme any person who is a member of another society or branch.

Provisions with respect to apprehended deficiencies.

107. If on the valuation of an approved society or branch of an approved society it appears to the valuer that a deficiency will be disclosed, the provisions contained in Part VI of this Act with respect to an apprehended deficiency and with respect to payments out of the Reserve Suspense Fund hereinafter mentioned and the Central Fund in the case of apprehended deficiencies shall have effect.

Application of contingencies fund

108.—(1) If on the valuation of a society without branches a deficiency is disclosed, the sums standing to the credit of the contingencies fund of the society shall be applied towards making good the deficiency, and if no deficiency is so disclosed, or if the sums standing to the credit of the contingencies fund are more than sufficient to make good that deficiency, the sums standing to the credit of that fund or the balance thereof shall, subject to the provisions of the next succeeding section with respect to small societies, be carried to the benefit fund of the society, but any amount so carried shall not be treated for the purposes of this Part of this Act as forming part of any surplus found at that valuation.

towards making good deficiencies.

(2) If on the valuation of any society with branches a deficiency is disclosed in the case of any one or more branches of the society, the central authority of the society shall apply the sums standing to the credit of the contingencies fund of the society towards making good those deficiencies, except that, if satisfied that any part of a deficiency is due to any maladministration by the branch in question, the central authority may, with the consent of the Minister, refuse so to make good at all or in part that part of the deficiency.

(3) If on the valuation of a society with branches there are no deficiencies in the case of any of the branches, or if the sums standing to the credit of the contingencies fund are more than sufficient to provide for the total amount of the deficiencies made good under the last preceding subsection, the fund or the balance of the fund shall, subject to the provisions of the next succeeding section relating to small societies, be apportioned among the several branches in proportion to the amounts paid into the fund in respect of contributions of members of those branches respectively since the date as at which the last valuation was made, but where there was a deficiency in the case of any branch the amount so paid into the fund in respect of contributions of members of that branch shall for the purpose of this subsection be deemed to be reduced by the amount (if any) applied towards making good the deficiency.

(4) The amount apportioned under the last preceding subsection to any branch shall be applied and dealt with as follows:—

(*a*) if there was a deficiency in the case of the branch and any part thereof was not discharged out

Valuation of Approved Societies.

Valuation of approved societies.

103.—(1) A valuation of the assets and liabilities arising under this Act of every approved society and of every branch of an approved society shall be made by a valuer, to be appointed by or with the approval of the Treasury, at the expiration of every five years or at such other times as the Minister may appoint, and the times so appointed may be at shorter or longer intervals than five years and at regular or irregular intervals, and may apply to all approved societies or any particular society or societies.

(2) Every valuation shall be made on such basis as may be prescribed.

Provisions as to application of surpluses.

104.—(1) The following provisions shall have effect in any case where on a valuation under the last preceding section there is found a surplus which is certified by the valuer to be disposable :—

(*a*) if the society is not a society with branches, the society may submit to the Minister a scheme for distributing out of the surplus any one or more additional benefits among insured persons who are members of the society for the purposes of this Act, and upon any such scheme being sanctioned by the Minister, the society may distribute the additional benefit or benefits in accordance with the provisions of the scheme;

(*b*) if on the valuation of a branch of an approved society, a surplus is shown in respect of the branch, the branch may, with the approval of the society, submit to the Minister a scheme for distributing out of the surplus any one or more additional benefits among insured persons who are members of the branch for the purposes of this Act, and upon any such scheme being sanctioned by the Minister, the branch may distribute the additional benefit or benefits in accordance with the provisions of the scheme;

(*c*) if at any time after a scheme submitted by a society or branch has been so sanctioned as aforesaid, there is found to be a deficiency in the funds of the society or branch, no additional benefits shall be distributed under the scheme until the deficiency is extinguished.

(2) The duration of the scheme shall be such as may have been previously fixed by the Minister, but may be varied by the Minister from time to time, and the valuer in determining the amount of the surplus which is disposable shall treat as disposable such part only of the surplus as in his opinion may reasonably, having regard to the circumstances and prospects of the society or branch, be expended within the period of the duration of the scheme as so fixed or varied.

(3) Any such scheme may provide for allocating out of the disposable surplus such maximum sum as may be prescribed for the purpose of making occasional subscriptions or donations of an eleemosynary character to hospitals, dispensaries or other charitable institutions, or for the support of district nurses, or for the purposes of medical research to institutions approved by the Minister; and where a scheme makes provision for such expenditure, sums may, subject to any conditions imposed by the scheme and until there is found to be a deficiency in the funds of the society or branch, be so expended, and shall be treated as expenditure on benefits.

(4) A scheme made under this section may determine the conditions to be complied with as respects the additional benefits and may provide for the reduction, suspension or deprivation of the additional benefits in the case of members who are in arrears, and if it so provides may make a corresponding modification in any regulations providing for the reduction, suspension or postponement of benefits (other than additional benefits) on account of arrears.

(5) No surplus and no part of any surplus shall be applied either—

(*a*) for the purpose of paying any benefits payable on death or any benefits other than one or more of the additional benefits specified in the Third Schedule to this Act; or

(*b*) towards making good any deficiency in any other society or branch.

(6) A member of a society or branch shall not be entitled to an additional benefit unless such conditions relating to the period of membership of the society or branch as may be prescribed with respect to that benefit are complied with in his case.

Part IV. —*cont.* guaranteed by employers.

solvency of the fund, or for the benefits payable thereout, he shall not, in the event of a deficiency being disclosed on a valuation of the society be required to make good the deficiency or to make up to their full amount the benefits payable out of the fund except in so far as the contingencies fund of the society is insufficient for the purpose, but save as aforesaid nothing in the last three preceding sections shall affect any obligation in relation to such a society undertaken by the employer whereby he becomes responsible for the solvency of the fund or for the benefits payable thereout, or liable to pay a substantial part of, or to make substantial contributions to, or substantially to supplement the benefits payable out of, the fund.

Provisions with respect to making good deficiencies out of Central Fund.

112. If on the valuation of any society or branch of a society a deficiency is disclosed, and the sums in any contingencies fund available to make good that deficiency are not sufficient, the provisions contained in Part VI of this Act with respect to making good the deficiency out of the Central Fund shall have effect.

Provision for deficiencies not met out of contingencies fund or Central Fund.

113.—(1) Any deficiency not made good from any contingencies fund, or from the Central Fund or, in the case of a society in relation to which an employer has undertaken any obligation, by the employer in pursuance of that obligation, shall be made good in accordance with a scheme for that purpose to be prepared by the society, or, in the case of a deficiency in a branch, by the branch subject to the approval of the society, and submitted to the Minister for his sanction, and any such scheme shall provide for making good the deficiency, within a period of five years, or such other period as the Minister may require in any particular case, from the expiration of six months after the date on which the valuation report is issued to the society, in any one or more of the following ways:—

(*a*) by a compulsory levy by way of increase of the weekly rate of contributions upon members of the society or branch being insured persons;

(*b*) by reducing the rate of sickness benefit either for the whole period during which sickness benefit is payable or any part thereof;

(*c*) by deferring the day as from which sickness benefit becomes payable;

(*d*) by reducing the period during which sickness benefit is payable;

Part IV. —*cont.*

(*e*) by increasing the period which is required by this Act to elapse between two periods of disease or disablement to prevent the one being treated as a continuation of the other;

(*f*) by any other method approved by the Minister;

and on the sanction of the Minister being given to the scheme, the society or branch shall proceed to make good the deficiency in accordance therewith.

(2) Payment of the amount of any compulsory levy made in accordance with a scheme sanctioned under this section may be enforced in such manner as may be provided by the rules of the society or branch, and, where those rules so provide, it shall be lawful for the society or branch in the case of any member to enforce payment of the amount of the levy by giving notice in the prescribed manner to the employer of that member requiring him to pay the amount of the levy, and upon such notice being given, that amount shall be payable as if it were part of the contribution to be paid by the employer on behalf of the member, and all the provisions of this Act relating to the payment of such contributions and the recovery thereof from members shall apply accordingly.

(3) If within six months after the declaration of a deficiency or such longer period as the Minister may determine, such a scheme as aforesaid has not been submitted to and sanctioned by the Minister, or if at any time thereafter it appears to the Minister that the society or branch to which the scheme relates is not enforcing the provisions of the scheme, the Minister may take over the administration of the affairs of the society or branch under this Act, and shall, as soon as possible thereafter, take such steps as he may think necessary to make good the deficiency by any or all of the methods mentioned in subsection (1) of this section, and for that purpose shall be entitled to exercise all or any of the powers given to the society or branch by this Act.

(4) The Minister after taking over the administration of the affairs of any society or branch shall within a reasonable time, not exceeding three years, make arrangements for the restoration to the society or branch of its

PART IV. —*cont.*

powers of self-government, or, failing that, for the dissolution of the society or branch.

(5) Any question or dispute arising between the Minister and the society or branch in respect of the amount of the deficiency, or as to the adequacy of any scheme proposed for making it good, shall be submitted to an independent valuer to be appointed by the Lord Chief Justice of England, and the valuer so appointed shall, subject to the provisions of this Act and of any regulations, act, so far as practicable, on his own knowledge and experience, and shall have power to determine how and by what parties the costs of proceedings, including his own remuneration, not exceeding such amount as the Treasury may prescribe, are to be defrayed, and his decision shall be final and conclusive.

(6) A scheme made under this section shall not affect any person who becomes a member of the society or branch after the date as at which the valuation was made or any member over sixty-five years of age.

(7) Any member liable to a levy payable at intervals may relieve himself of the liability thereto, and a member subject to a diminution of benefits by virtue of any such scheme may, with the consent of the society or branch, acquire a right to undiminished benefits, on payment to the Minister of the capitalised value of the levy or diminution of benefits, as the case may be, ascertained in the prescribed manner.

Restrictions on transfer from society in deficiency.

114.—(1) Where on a valuation a deficiency has been disclosed in the case of any society or any branch of a society and a scheme for making good the deficiency has been made under this Act, no insured person who was a member of the society or branch at the date as at which the valuation was made shall be entitled, till the deficiency has been made good, to be transferred from that society or branch to another society or to any branch of the same society except on payment to the Minister at the time of his transfer, to be credited to the first-mentioned society or branch, of an amount to be ascertained in the prescribed manner equal to the capitalised value of any levy which would have been payable by him, or of any reduction of benefits to which he would have been liable, if he had not ceased to be a member of that society or branch.

(2) If any insured person ceases to be a member of any society or any branch of a society at any time between the date as at which a valuation of the society or branch is made (being a valuation on which a deficiency is subsequently disclosed) and the date on which the scheme for making good the deficiency comes into operation and becomes a member of some other society or branch, he shall on demand pay to the Minister, to be credited to the first-mentioned society or branch, such an amount as he would have been required to pay if he had remained a member of that society or branch and were about to be transferred to another society or branch, and if he fails to do so he shall be subject to such reduction, suspension or postponement of benefits as may be prescribed, and the necessary adjustments shall be made in the accounts of the societies or branches concerned.

Special provisions as to societies with branches.

115.—(1) Where a society with branches is so organised that the branches in different national areas are grouped together for the purposes of this section, the branches in any of those areas may, if and to such extent as the rules of the society so provide and if the number of members of the branches being insured persons in the area exceeds five thousand, be treated for the purposes of the provisions of this Act relating to valuations, surpluses and deficiencies as if they formed a separate society.

(2) The rules of any society with branches may provide for the branches reinsuring with the society their liabilities in respect of any benefits or, if the society is so organised as aforesaid, for such reinsurance either with the society or with the group.

(3) Where a society with branches has among its members insured persons who are not members of any branch and the benefits of those members are administered by the society itself, those members shall be treated for the purposes of the provisions of this Act relating to valuations, surpluses and deficiencies as if they formed a separate branch.

Power to separate men's and women's funds.

116. Where an approved society, not being a society with branches, or a branch of an approved society has amongst its members both men and women and the rules of the society so provide, the provisions of this Part and

PART IV. —*cont.*

of Part VI of this Act with respect to valuations, surpluses and deficiencies shall apply to the society as if it were a society consisting of two branches, and to the branch as if the branch consisted of two branches, the one consisting of men and the other of women.

Accounts and Funds of Insurance Committees.

Accounts of insurance committees.

117.—(1) Every insurance committee shall keep proper books and accounts in the prescribed form and shall, when required, submit their accounts to audit by auditors appointed by the Treasury.

(2) The provisions set out in Part I of the Fourth Schedule to this Act shall have effect with respect to the accounts of insurance committees and the audit thereof.

Provision of funds for insurance committees.

118.—(1) All sums payable in respect of the members of approved societies and deposit contributors resident in the county or county borough for the purposes of medical benefit and administration expenses in any year shall be paid or credited to the insurance committee at the commencement of that year, or at such time or times and in such instalments and in such manner and proportions as may, with the consent of the Treasury, be prescribed.

(2) There may, out of the funds out of which benefits are payable under this Act be applied for the purpose of meeting the cost of medical benefit, the administration expenses of insurance committees and any expenses incurred by the Minister in connection with the administration of benefits a sum at such yearly rate as may be prescribed, but not exceeding thirteen shillings per year in respect of each of the total number (calculated in the prescribed manner) of the persons who are entitled to medical benefit as being or having been members of an approved society, and there shall be paid for each year to insurance committees on account of the cost of medical benefit and their administration expenses, and to the Minister on account of expenses incurred by him in respect of the administration of benefits, sums not exceeding in the aggregate the sum applicable as aforesaid, and not exceeding as respects the administration expenses of insurance committees the sum of sixpence, and as respects the expenses of the Minister the sum of threepence, in respect of each of the total number aforesaid :

Provided that, if the aggregate sum paid for any year to insurance committees and the Minister under this section in respect of each of the total number aforesaid is less than the sum applicable as aforesaid in respect of each of the said total number, the balance shall be carried forward and be treated as being applicable as aforesaid in any subsequent year.

(3) Payments under this section shall be made in accordance with regulations to be made with the approval of the Treasury, and any such regulations so made may make special provision as to the sum to be paid on account of the cost of the medical benefit of, and otherwise with respect to, members of an approved society who are persons employed as masters or seamen serving on foreign-going ships.

Power of local authorities to subscribe to insurance committees.

119. It shall be lawful for any local authority, out of any fund or rate out of which the expenses of the authority are payable, to subscribe such sums as they may think fit towards the general purposes of the insurance committee.

Contributions by local authorities towards medical benefit.

120.—(1) If in any year the amount payable to an insurance committee in respect of all persons for the administration of whose medical benefit they are responsible is insufficient to meet the estimated expenditure thereon, the committee may, through the Minister, transmit to the Treasury and to the council of the county or county borough an account showing the amount so payable and the estimated expenditure, and the Treasury and the council of the county or county borough may, if they think fit and if satisfied that the amounts so payable and the proposed expenditure are reasonable and proper in the circumstances, sanction the expenditure.

(2) The Treasury and the council of the county or county borough sanctioning any such expenditure as aforesaid shall thereupon each be liable to make good, in the case of the Treasury out of moneys provided by Parliament, one-half of any sums so sanctioned by them and expended by the insurance committee on medical benefit in the course of the year in excess of the amounts so payable to the insurance committee as aforesaid.

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(3) The council of any borough or urban or rural district may agree with the council of the county in which the borough or district is situate to repay to the council of the county the whole or any part of the sums payable by that council in accordance with the provisions of this section towards the excess expenditure on medical benefit so far as that excess is properly attributable to the borough or district.

(4) An agreement under this section may provide that the county council shall not raise any sum on account of any expenditure incurred by them under this section for the purpose to which the agreement relates within the area of any borough or urban or rural district the council of which have entered into such agreement, during the continuance of the agreement.

PART V.

SPECIAL CLASSES OF INSURED PERSONS.

Voluntary Contributors in certain Excepted Employments.

Voluntary contributors in certain excepted employments.

121.—(1) Any person employed in an employment which is an excepted employment by virtue of a certificate given under paragraph (*b*), paragraph (*c*) or paragraph (*d*) of Part II of the First Schedule to this Act, not being a married woman or a person in respect of whom no contributions under the Contributory Pensions Act are payable, may, subject to the prescribed conditions, if he gives notice within the prescribed time and in the prescribed manner that he desires to become a voluntary contributor under this Act, become such a contributor.

(2) Any person who, having been employed in an employment which is such an excepted employment as is mentioned in the preceding subsection, not being a married woman or a person in respect of whom no contributions under the Contributory Pensions Act were payable or, if he had continued to be so employed after the fourth day of January, nineteen hundred and twenty-six, would have been payable while he was so employed, ceases to be so employed, may, subject to the prescribed conditions, become a voluntary contributor under this Act.

(3) If, in the case of a person who is employed in an employment which is an excepted employment by virtue of a certificate given under paragraph (*b*) or paragraph (*c*) of Part II of the First Schedule to this Act, contributions under the Contributory Pensions Act either cease to be payable or become payable at the reduced rates mentioned in Part IV of the First Schedule to that Act instead of at the ordinary rates, that person shall be entitled to become a voluntary contributor in the same manner as if he had ceased to be employed in such an excepted employment as aforesaid.

(4) Notwithstanding anything in the preceding subsections of this section, a person employed in any excepted employment to which those subsections apply shall not be entitled to become a voluntary contributor under this Act by virtue only of his employment in that excepted employment, if that employment is also an excepted employment by virtue of paragraph (*k*) of Part II of the First Schedule to this Act (which relates to employment otherwise than by way of manual labour and at a rate of remuneration exceeding in value two hundred and fifty pounds a year).

Deposit Contributors.

Deposit contributors.

122.—(1) Subject to any regulations made under this section, the following provisions shall apply in the case of an insured person (in this Act referred to as "a deposit contributor") who has not joined an approved society within the prescribed time, or who, having been a member of an approved society, has been expelled therefrom or has terminated his membership thereof in accordance with the provisions of this Act and has not, within the prescribed time, joined another approved society:—

(*a*) contributions by or in respect of a deposit contributor shall be credited to a special fund to be called the Deposit Contributors Fund;

(*b*) the sums required for the payment of any sickness, disablement or maternity benefit payable to a deposit contributor, except so far as they are payable out of moneys provided by Parliament, shall be paid out of the money standing

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to his credit in the Deposit Contributors Fund, and his right to benefits shall be suspended on the sums standing to his credit in that fund being exhausted;

(*c*) such sum as may be prescribed shall in each year be payable in respect of each deposit contributor for the purposes of the cost of medical benefit;

(*d*) the sums payable in respect of a deposit contributor for the purposes of medical benefit and towards the expenses of administration, shall, except so far as they are payable out of moneys provided by Parliament, be deducted, at the time and in the manner prescribed, from the amounts standing to his credit in the Deposit Contributors Fund.

(2) Provision may be made by regulations for—

(*a*) applying any of the provisions of this Act relating to members of approved societies, with the necessary modifications, adaptations and exceptions, to deposit contributors;

(*b*) enabling the accounts of deposit contributors to be kept in terms of contributions, and the amounts payable to or in respect of deposit contributors on account of benefit to be fixed as nearly as may be in terms of contributions, and for prescribing the conditions subject to which the benefits of deposit contributors shall be paid or provided;

(*c*) prescribing the amount which may be charged in respect of the expenses (by whomsoever incurred) of administering the benefits of deposit contributors and for providing for the payment of and otherwise regulating those expenses; and

(*d*) authorising in the prescribed cases, and notwithstanding anything contained in this section, the charges for medical benefit and the administration of benefits for past periods, and the adjustment and apportionment of such charges, to be made on such basis as may be prescribed.

Deposit Contributors Insurance Section.

123.—(1) There shall be a separate section of deposit contributors, called "the Deposit Contributors Insurance Section," which shall consist of those deposit contributors who make application to the Minister in the prescribed manner and within the prescribed time, and prove that the state of their health is such that they cannot obtain admission to an approved society, and in whose case the prescribed conditions are fulfilled.

(2) In the case of deposit contributors who are members of the Section the following provisions shall apply in lieu of the provisions of the last preceding section:—

(*a*) members of the Section shall, subject to the provisions of this Act, be entitled to benefits other than additional benefits;

(*b*) the cost of benefits and the expenses of the administration thereof, so far as not payable out of moneys provided by Parliament, shall be paid out of the sums standing to the credit of the Section;

(*c*) subject to the provisions of Part VI of this Act relating to the sums to be retained by the Minister out of weekly contributions, there shall be carried to the credit of the Section—

(i) the contributions paid by or in respect of the members of the Section;

(ii) the amount standing in the Deposit Contributors Fund to the credit of any depositor, not being a member of the Section, dying or becoming permanently resident outside the United Kingdom, if and so far as not otherwise applied under any provisions of this Act relating to persons resident out of the United Kingdom;

(iii) any interest credited to the Deposit Contributors Fund.

(3) Provision may be made by regulations as to the administration of benefits of members of the Section, and for applying to the Section and to the members of the Section, subject to the prescribed modifications, adaptations, and exceptions, the provisions of this Act

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relating to approved societies and to members and membership of and transfers to and from approved societies, and for excepting from their application to members of the Section any of the provisions of this Act relating to deposit contributors.

(4) Regulations may provide for enabling the Minister, if the state of health of any member of the Section is no longer such as to disqualify him for admission to an approved society, to terminate his membership of the Section.

Deposit contributors attaining age of sixty-five.

124. Provision may be made by regulations for the purpose of enabling deposit contributors who, on attaining the age of sixty-five years, fulfil the prescribed conditions to become entitled to medical benefit for the remainder of their lives, and such regulations may provide for the transfer of such deposit contributors to the Deposit Contributors Insurance Section.

Benefits of deposit contributor joining approved society.

125. Any insured person who, being a deposit contributor, becomes a member of an approved society shall, for the purpose of any regulations relating to the benefits of persons in arrears, be treated, subject to the prescribed modifications, as if he had been a member of an approved society since the date of his entry into insurance.

Married Women.

Married women.

126.—(1) Where a woman being an insured person under the age of sixty-five and a member of an approved society marries, she shall, if she had before the date of her marriage ceased, or if at any time during coverture and within twelve months after the date of her marriage she ceases, to be a person whose normal occupation is employment within the meaning of this Act, cease as from the date of her marriage or as from the date on which she ceases to be such a person (which last date is hereinafter referred to as " the date of unemployment "), whichever is the later, to be entitled to the benefits to which she would otherwise have been entitled under the provisions of this Act, and in lieu thereof she shall,—

(*a*) subject to the provisions of this Act, be entitled to the following benefits, that is to say—

(i) sickness benefit for an aggregate of not more than six weeks in the period of twelve months commencing next after the date of unemployment, or if the date of unemployment was anterior to the date of her marriage, within so much of that period as is subsequent to her marriage; and for the purposes of this paragraph the first disease or disablement in respect of which such sickness benefit is payable shall not be deemed to be a continuation of any previous disease or disablement;

(ii) a single maternity benefit irrespective of arrears in respect of her first confinement after the date of unemployment (or, if the date of unemployment was anterior to the date of her marriage, after the date of her marriage) and within two years from the date of her marriage;

(iii) medical benefit until the thirtieth day of June or the thirty-first day of December, whichever first occurs, next after the expiration of a period of twelve months from the date of unemployment;

(iv) any additional benefits provided by her approved society in accordance with a scheme made under the provisions of Part IV of this Act relating to the application of surpluses; and

(*b*) until the expiration of two years from the date of her marriage, be treated as if she were an insured person.

(2) For the purposes of this section, a woman shall be deemed to have ceased to be a person whose normal occupation is employment within the meaning of this Act as soon as she has been unemployed for eight consecutive weeks commencing next after the contribution week in which she ceased to be employed:

Provided that in calculating the said period of eight weeks no account shall be taken of any period during which she was incapable of work by reason of some specific disease or bodily or mental disablement of which notice is given within the prescribed time, or of any period with respect to which she proves that she was available for but unable to obtain employment within the meaning of this Act, or of any period after she attains the age of sixty-five.

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(3) In the case of a woman being a voluntary contributor who marries, this section shall apply as though the date of her marriage were the date of unemployment.

Provision as to women becoming employed after marriage, &c.

127.—(1) If a woman, after becoming entitled to benefits by virtue of the provisions of the last preceding section, becomes employed within the meaning of this Act, or after the death of her husband becomes a voluntary contributor before she ceases to be an insured person, she shall, for the purpose of determining her title to benefits other than additional benefits, be treated as if she had become insured for the first time on the date on which she so becomes employed or becomes a voluntary contributor:

Provided that no woman shall, by reason only of so becoming employed or becoming a voluntary contributor, be deprived of any benefit to which she would but for the provisions of this subsection have been entitled, unless and until she becomes entitled to corresponding benefit by virtue of her new insurance.

(2) No married woman shall be entitled to be a voluntary contributor during coverture.

(3) Subject to the provisions of this and the last preceding section, the provisions of this Act shall apply to a woman who has been married, both during and after coverture, as if she had never been married.

Notice of marriage to be given to approved society.

128.—(1) It shall be the duty of every woman who, being an insured person and a member of an approved society, marries to give notice of her marriage to her society within eight weeks thereof.

(2) If an approved society pay to any married woman who has failed to give notice as aforesaid any sum by way of sickness or disablement benefit in excess of the amount properly payable to her, the society shall, if it was not aware of her marriage, be entitled to deduct the amount so paid in excess from the amount of any benefits subsequently payable to her.

Members of the Forces of the Crown.

Seamen, marines, soldiers and airmen.

129.—(1) For the purpose of providing seamen, marines, soldiers and airmen with such benefits during their term of service and after their return to civil life as are hereinafter mentioned, there shall be paid to the

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Minister by the Admiralty, Army Council and Air Council respectively, out of the moneys provided by Parliament for Navy, Army and Air Force services, in respect of every seaman and marine within the meaning of the Naval and Marine Pay and Pensions Act, 1865, of every soldier of the regular forces (not being a soldier of His Majesty's Indian Forces, of the Royal Malta Artillery or a native soldier of any regiment raised outside the United Kingdom), and of every member of the regular Air Force, if such seaman, marine, soldier or airman is a member of an approved society, a sum of threepence in respect of each contribution week or part of a contribution week for which he receives pay, and, if such seaman, marine, soldier or airman is not a member of an approved society, such sum per contribution week as may be prescribed:

28 & 29 Vict. c. 73.

Provided that the number of the persons in respect of whom payments are to be made under the foregoing provision shall be ascertained in such manner, and the sums to be paid thereunder shall be paid to the Minister in such manner and at such dates in each year as shall be agreed between the Minister and the Admiralty, the Army Council and the Air Council respectively.

(2) This section shall not apply to a seaman, marine, soldier or airman who entered or enlisted before the age of sixteen until he attains that age, and shall apply to him on attaining that age as if he had entered or enlisted at the time when he attained that age.

(3) For the purposes of this section, "seaman," "marine" and "airman" do not include a native or a Maltese enrolled or recruited outside the British Islands, and "soldier" does not include a soldier who has not been finally accepted for service.

(4) A person to whom this section applies is in this Act referred to as "a man of the forces."

Position of men of forces who are members of approved societies.

130.—(1) A man of the forces who is a member of an approved society shall for the purposes of this Act be treated as if he had been employed within the meaning of this Act and a contribution had been paid in respect of him for each contribution week from the date of his entry or enlistment to the date of his discharge, subject, until his discharge, to the following modifications:—

(*a*) he shall not be entitled to medical benefit, sickness benefit or disablement benefit;

(*b*) maternity benefit shall be payable notwithstanding that his wife is resident outside the United Kingdom at the date of the confinement, and the society may arrange with the Admiralty, Army Council or Air Council for the administration of the benefit through the Admiralty, Army Council or Air Council;

(*c*) there shall be credited to the approved society of which he is a member a sum equal to sixpence for each weekly contribution paid, and an equal sum shall be treated as having been expended on benefits, and the proper proportion thereof shall accordingly be paid out of moneys provided by Parliament.

(2) Subject to the provisions of Part VI of this Act relating to the sums to be retained by the Minister out of weekly contributions, the Minister shall credit periodically to the approved societies of which men of the forces are members the proper proportion of the sums paid to him by the Admiralty, Army Council and Air Council under the last preceding section.

(3) Provision may be made by regulations for entitling men of the forces who join approved societies either during service or within the prescribed period after discharge to participate, subject to such conditions as may be prescribed, in additional benefits provided by those societies.

Navy, Army and Air Force Insurance Fund.

131.—(1) The provisions of subsection (1) of the last preceding section shall apply to men of the forces who are not members of approved societies, subject to the following modifications:—

(*a*) there shall be credited to a special fund, to be called the Navy, Army and Air Force Insurance Fund (in this section referred to as "the Fund"), a sum equal to sixpence for each weekly contribution paid in respect of every man of the forces who has not joined an approved society, and an equal sum shall be treated as having been expended on benefits, and the proper proportion thereof shall accordingly be paid out of moneys provided by Parliament;

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(*b*) the weekly contributions to be made by the Admiralty, Army Council and Air Council in respect of men of the forces shall be such as may from time to time be required to keep the Fund solvent;

(*c*) subject to the provisions of Part VI of this Act relating to the sums to be retained by the Minister out of weekly contributions, the Minister shall, after crediting as hereinbefore provided to approved societies of which men of the forces are members the proper proportion of the sums paid to him by the Admiralty, Army Council and Air Council in respect of those men, credit to the Fund the residue of the sums so paid;

(*d*) any man of the forces who was at the date of his entry or enlistment a deposit contributor, shall, for the purpose of dealings with the sum standing to his credit in the Deposit Contributors Fund, be treated as if the Navy, Army and Air Force Insurance Fund were an approved society and as if he had at the date of his entry or enlistment become a member of that society;

(*e*) a man of the forces shall, until discharged, be entitled to maternity benefit payable out of the Fund, and shall be entitled to such benefit notwithstanding that his wife is at the date of the confinement resident outside the United Kingdom, and the benefit shall be administered by the Admiralty, Army Council or Air Council, either directly or through insurance committees;

(*f*) a man of the forces, discharged from service as such, who proves that the state of his health is such that he cannot obtain admission to an approved society may, if he so elects, on making application to the Minister in the prescribed manner within three months of his discharge or such longer time as may be prescribed, become, subject to regulations made after consultation with the Admiralty, Army Council and Air Council, entitled to benefits;

(*g*) the cost of the benefits mentioned in the last preceding paragraph shall be payable out of the

Fund, and the benefits shall be administered by insurance committees or otherwise in accordance with the regulations aforesaid, and any contributions paid under this Act by or in respect of any such man as is therein mentioned shall be paid into the Fund:

Provided that—

(i) subject to the express provisions of this Act, no deduction from benefits shall be made on account of any pension to which a man may be entitled;

(ii) there shall in each year be repaid to the Fund out of moneys provided by Parliament a sum equal to one-seventh of the amount expended out of the Fund on benefits, including the expenses of administration.

(2) Provision may be made by regulations for applying to the Fund and to the members of the Fund, subject to the prescribed modifications, adaptations and exceptions, the provisions of this Act relating to approved societies and to members and membership of and transfer to and from approved societies, and relating to persons lapsing from insurance, and for providing benefits (other than additional benefits) out of the Fund to men of the forces who are not members of an approved society when discharged for such period after discharge as may be prescribed.

(3) Subject to the approval of the Treasury, provision may be made by regulations for granting out of the Fund to men of the forces to whom paragraph (*f*) of subsection (1) of this section applies such additional benefits as may from time to time be prescribed having regard to the liabilities and assets of the Fund, as though the Fund were an approved society and the discharged men had been members of the society since the date of their entry or enlistment.

(4) Regulations may be made enabling the Admiralty, the Army Council or the Air Council to appoint a person to exercise on behalf of any person of unsound mind entitled to benefits out of the Fund any right of election which that person is under this Act entitled to exercise, and to appoint a person to receive on behalf of and for the

benefit of such person any sums by way of benefit which would otherwise have been payable to him.

(5) Regulations may provide that, subject to the prescribed conditions, any person being a man of the forces discharged from service as such during, or within the prescribed period after the conclusion of, the late war shall, if he is certified by the Admiralty, Army Council or Air Council to be suffering from any disease or bodily or mental disablement, and if for any reason he is not qualified under this Act to receive benefits out of the Fund, become or continue to be entitled out of the Fund to medical benefit.

Men of forces in receipt of war pensions.

132.—(1) Where, in pursuance of any Order in Council relating to pensions of officers or seamen and marines or other persons, or of any Royal Warrant or order relating to pensions of officers, soldiers or airmen or other persons, disabled in consequence of the late war, there has been granted to any person who was a man of the forces or who was an insured person at the time of his leaving naval, military or other pensionable service, a pension in respect of disablement in the highest degree, the rate of any sickness or disablement benefit to which that person may be entitled in respect of his insurance under this Act shall, throughout the period in respect of which that pension, or a pension of greater amount granted in lieu thereof, is payable, be reduced by seven shillings and sixpence a week, notwithstanding anything in this Act to the contrary:

Provided that a person to whom such a pension has been granted shall not be subject, or shall cease to be subject, to such reduction as aforesaid—

(i) as respects sickness benefit, if he proves that since leaving naval, military or other pensionable service he has been employed within the meaning of this Act or been engaged in some regular occupation during twenty-six weeks, whether consecutive or not, and that twenty-six weekly contributions have been paid in respect of him; and

(ii) as respects disablement benefit, if he proves that since leaving naval, military or other pensionable service he has been so employed or engaged during one hundred and four weeks, whether

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consecutive or not, and that one hundred and four weekly contributions have been paid in respect of him.

For the purposes of this subsection—

(*a*) an allowance in lieu of pension to a person undergoing a special course of medical treatment or undergoing treatment in an institution or receiving training in a technical institution or otherwise; and

(*b*) a pension in respect of total disablement suffered in consequence of the late war granted before the first day of April nineteen hundred and seventeen,

shall be treated as if the allowance or pension were a pension in respect of disablement in the highest degree.

For the purposes of this subsection, a person shall not be deemed to have been employed or engaged as aforesaid in any week unless he proves that the remuneration received in respect of the employment or regular occupation in which he was engaged was such as to provide a substantial contribution towards his means of livelihood in that week.

(2) The society, committee or other body by which the sickness and disablement benefits of any person to whom subsection (1) of this section applies are administered may, pending the settlement of his claim for pension, pay him benefit at the unreduced rate, and where benefit at the unreduced rate has been paid pending the settlement, the amount of the difference between the benefit at the unreduced rate and at the reduced rate for that period shall be treated as an advance and shall, without prejudice to any other method of recovery, be recoverable by deductions from or suspension of any benefits which may subsequently become payable to the person in question, or may, if the Minister of Pensions thinks fit, be repaid by him out of any arrears in his hands of the pension due to that person.

(3) In calculating arrears of contributions for the purposes of this Act, no account shall be taken of any arrears accruing during any period when the person in question has been subject to a reduction of, or been disentitled to, sickness or disablement benefit by virtue of this section.

General provisions relating to men of forces.

133.—(1) In the application of this Act to a man who is or has been a man of the forces—

(*a*) the date of his entry or enlistment as a man of the forces, or, if he was serving on the fifteenth day of July, nineteen hundred and twelve, that date, shall, unless he was an insured person at the date of his entry or enlistment, be treated as the date of his entry into insurance;

(*b*) subject to the provisions of this Act, a man of the forces during his term of service shall—

(i) if he joined an approved society before his entry or enlistment, be deemed to reside in that national area in which he resided immediately before his entry or enlistment;

(ii) if he joined an approved society after his entry or enlistment, be deemed to reside in that national area in which the registered or head office or other principal place of business of the society or branch which he has joined is situate;

(iii) in any other case be deemed to reside in England; and

(*c*) all persons entitled to benefits payable out of the Navy, Army and Air Force Insurance Fund shall, subject to the provisions of Part X of this Act, be deemed to reside in England.

(2) Discharge shall, in the case of a man of the forces who on the completion of any term of service is transferred to a reserve, include transfer to the reserve, and a man of the forces who absents himself on desertion shall be deemed to have been discharged on the date on which he so absents himself, and to re-enter or re-enlist on the date on which the absence terminates.

Application of Act to officers and men of reserve forces.

134. The foregoing provisions of this Part of this Act relating to men of the forces shall—

(*a*) subject to such adaptations and modifications as may be prescribed, apply to men belonging to the naval reserves when employed on service during war or any emergency, to men of the army reserve and air force reserve when called out on service otherwise than for training, and to men of the territorial army and auxiliary air

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force when called out on embodiment or on service otherwise than for training;

(*b*) subject to such adaptations, modifications or conditions as may be prescribed, apply to officers of the reserve forces;

but save as aforesaid shall not apply to any such men or officers.

Mercantile Marine.

Benefits, contributions, &c., of seamen.

135.—(1) Neither sickness benefit nor disablement benefit shall be paid to a master or seaman suffering from any disease or disablement in respect of any period during which the owner of the ship is, under the Merchant Shipping Acts, 1894 to 1932, as amended by any subsequent enactment, or otherwise, liable to defray the expense of the necessary surgical and medical advice and attendance and medicine and of his maintenance, and he shall not be entitled to medical benefit during any such period:

Provided that, if during any part of any such period as aforesaid the owner of the ship is not liable to pay wages to the master or seaman so suffering from disease or disablement, sickness benefit or disablement benefit in respect of that part of the period shall, if the master or seaman has dependants, be paid in whole or in part at the discretion of the society or committee by which the benefit is administered, and the benefit so paid shall be paid to, or applied for the relief or maintenance of, those dependants in such manner as the society or committee by which the benefit is administered, after consultation whenever possible with the master or seaman, thinks fit.

(2) Any period in respect of which, under the provisions of this section, no payment of sickness or disablement benefit is made to a master or seaman or to his dependants shall be excluded in computing the period of twenty-six weeks during which sickness benefit may continue, and any disease or disablement suffered by a master or seaman during any such first mentioned period shall, for the purposes of the provisions of this Act which enact that in certain cases disease or disablement is to be deemed a continuation of a previous disease or disablement, be deemed not to be a disease or disablement.

(3) In the case of masters and seamen serving on foreign-going ships the employed rate and the employer's

contributions shall each be reduced by twopence-halfpenny a week, and every four weekly contributions paid in any prescribed period by or in respect of any master or seaman while serving in such a ship shall, for the purposes of calculating arrears, be treated as five such contributions :

Provided that there shall be credited to the approved society of which the master or seaman is a member, or, if he is a deposit contributor, to his account in the Deposit Contributors Fund, a sum equal to three-fifths of the amount of the contributions actually paid in respect of him, and an equal sum shall be treated as having been expended on sickness benefit, and the proper proportion thereof shall accordingly be paid out of moneys provided by Parliament.

(4) A master or seaman who is neither domiciled nor has a place of residence in the United Kingdom shall not be deemed to be employed within the meaning of this Act, but the employer shall be liable to pay the same contributions in respect of him as would otherwise have been payable by him as employer's contributions, except in cases where the ship is engaged in regular trade on foreign stations :

Provided that this subsection shall have effect subject to the provisions of this Act which make provision for the case of persons resident outside the United Kingdom and for the making of mutual arrangements between the United Kingdom and the Irish Free State.

Seamen's National Insurance Society.

1 & 2 Geo. 5. c. 55.

136.—(1) The Seamen's National Insurance Society (in this section referred to as "the Society"), constituted under the National Insurance Act, 1911, shall continue to exist, and shall, notwithstanding anything in this Act, be an approved society.

(2) The affairs of the Society shall be managed by a committee constituted in accordance with a scheme prepared by the Board of Trade with the approval of the Minister, and comprising representatives of the Board of Trade, of shipowners, and of members of the Society, in equal proportions, and one of the representatives of the Board of Trade shall be a person nominated by the Ministry of Labour for Northern Ireland.

(3) Any masters or seamen who are employed within the meaning of this Act, and, if the rules of the Society

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so provide, any masters or seamen who are voluntary contributors, shall be entitled to become members of the Society.

(4) The rules of the Society shall provide for allowing a member who leaves the sea service and is unable to obtain admission to another approved society on account of the state of his health to remain a member of the Society for the purposes of this Act, and may so provide in the case of a member who leaves the sea service and continues to be or becomes a voluntary contributor.

(5) For the purposes of this Act, members of the Society shall, subject to the provisions of Part X of this Act, be deemed to reside in England, and the medical benefit of members of the Society shall be administered by the Society instead of by insurance committees, and the provisions of this Act relating to the administration of medical benefit shall apply accordingly, subject to such modifications as may be prescribed, but nothing in this provision shall prevent the Society from agreeing with any insurance committee for the administration of medical benefit by the committee in relation to individual members of the Society.

(6) Nothing in this section shall prevent any master or seaman from joining another approved society instead of the Society.

Provisions with respect to contributions of masters and seamen not domiciled or resident in United Kingdom, &c.

137. Regulations shall be made providing that contributions payable in respect of masters and seamen who are neither domiciled nor have a place of residence in the United Kingdom, and of masters and seamen serving in foreign-going ships who have such a domicile or place of residence, shall, subject to the retention thereout of the sums to be retained by the Minister under the provisions of Part VI of this Act, be paid into a separate account, and for the application of the sums carried to that account, so as to provide—

(*a*) for the application thereof in the first instance in satisfaction of claims thereto of approved societies and deposit contributors;

(*b*) for the payment of the expenses of the administration of the system;

(*c*) for making payments for the like purposes as the purposes for which payments may be made

PART V. —*cont.*

under the provisions of Part VI of this Act out of sums received by the Minister on account of sales of stamps in respect of which no claim has been or is likely to be made by or on behalf of approved societies or deposit contributors, and of amounts corresponding to the amounts paid thereunder;

(*d*) for carrying the residue (subject to the provisions of this Act which make provision for the case of persons resident outside the United Kingdom) to the Seamen's Special Fund hereinafter mentioned.

Seamen's Special Fund.

138.—(1) For the purposes of this Act, there shall be a special fund, called the Seamen's Special Fund, which shall be vested in and administered by a body or bodies constituted in accordance with a scheme to be prepared by the Joint Committee, after consultation with the Board of Trade, and comprising persons representing shipowners and masters and seamen:

Provided that at least one-half of the governing body shall be representative of all classes of persons entitled to benefits out of the fund.

(2) The accounts of the Seamen's Special Fund shall be subject to audit, and the Fund shall be subject to the provisions of this Act relating to valuations, surpluses and deficiencies, subject to the prescribed modifications, as if it were an approved society.

(3) The governing body of the Seamen's Special Fund shall, subject to the approval of the Board of Trade and of the Joint Committee, prepare a scheme for the provision out of the sums credited to the Seamen's Special Fund of such benefits for masters and seamen, as are specified in the scheme (including pensions for masters and seamen with long sea service), and the scheme may provide for preference being given to masters and seamen who have served in foreign-going ships over those who have served in coasting and home trade ships, and for such preference being proportionate to the length of time spent in the first-mentioned service.

(4) The costs of any benefits under the said scheme and the expenses of administering those benefits shall be paid out of the Seamen's Special Fund and no part thereof shall be paid out of moneys provided by Parliament.

Part V. —*cont.*

Metropolitan Police.

Provisions as to short service constables of the metropolitan police force.

139. Notwithstanding anything in any certificate given under paragraph (*b*) of Part II of the First Schedule to this Act, a constable of the metropolitan police force who is appointed for a fixed period of service shall be deemed to be employed within the meaning of this Act during his period of service and shall be insured during that period as an employed contributor, and the provisions of this Act shall apply in relation to him subject, however, to the following modifications:—

(*a*) the contribution payable in respect of him shall be an employer's contribution at the rate of threepence a week and shall be paid to the Minister out of the metropolitan police fund in respect of each contribution week, or part of a contribution week, for which he receives pay; and

(*b*) he shall not be entitled during his period of service to medical benefit, sickness benefit or disablement benefit; and

(*c*) if he is a member of an approved society, there shall be credited to the society a sum equal to sixpence for each weekly contribution paid, and an equal sum shall be treated as having been expended on benefits, and the proper proportion thereof shall accordingly be paid out of moneys provided by Parliament.

Part VI.

Central Finance.

National Health Insurance Fund.

Constitution of National Health Insurance Fund.

140.—(1) Subject to the provisions of this Act, all sums received in respect of contributions under this Act, and all sums paid out of moneys provided by Parliament in respect of benefits and the expenses of the administration of benefits, shall be paid into a fund called "the National Health Insurance Fund," which shall be under the control and management of the Minister.

(2) The sums required to meet expenditure properly incurred by the Minister, by approved societies and insurance committees, and by the Navy, Army and Air Force Insurance Fund, the Deposit Contributors Fund, and the

Deposit Contributors Insurance Section, for the purposes of benefits and of the administration of benefits, shall be paid out of the National Health Insurance Fund.

(3) The sums payable to the National Health Insurance Fund out of moneys provided by Parliament shall be paid in such manner and at such times as the Treasury may determine.

Provisions with respect to accounts of approved societies, &c. in National Health Insurance Fund.

141.—(1) Subject to the approval of the Treasury, regulations shall be made with respect to the crediting and debiting to the accounts of approved societies in the National Health Insurance Fund of the sums received and paid by the Minister on behalf of and to them, and with respect to the payments to be made by and to the Minister to and by them.

(2) The said regulations shall, among other things—

(*a*) provide for the crediting to each approved society of the contributions paid by or in respect of the members thereof after deduction of the amounts retained thereout by the Minister as hereinafter provided;

(*b*) provide for the discharge of debit balances, in such manner and at such times as the Minister may determine, out of the proceeds of the realisation of securities held by an approved society or by the Minister on behalf of the approved society, and out of the sums standing to the credit of the society in the Investment Account hereinafter mentioned, proportionately, or by a reduction of the reserve values hereinafter mentioned which are credited to the society.

(3) Regulations may be made in relation to the Navy, Army and Air Force Insurance Fund, Deposit Contributors Fund and the Deposit Contributors Insurance Section, with respect to any of the matters mentioned in the last preceding subsection subject to the prescribed modifications, adaptations and exceptions.

Investment Account.

142.—(1) The Minister shall ascertain periodically the sums standing in the National Health Insurance Fund to the credit of each approved society, the Navy, Army and Air Force Insurance Fund, the Deposit Contributors Fund, the Deposit Contributors Insurance Section, and the Reserve Suspense Fund hereinafter mentioned, which are available for investment.

Part VI. —*cont.*

(2) The amount so ascertained shall, so far as not required under the provisions of this Act to be paid over to a society for investment or invested by the Minister on behalf of the society, be carried to a separate account in the National Health Insurance Fund called " the Investment Account."

(3) Regulations made under this Act with the approval of the Treasury shall require the Minister, on carrying any sum to the credit of an approved society in the Investment Account, to pay over to the society for investment, or at the request of the society, to retain for investment on behalf of the society, one-half of the amount ascertained to be available for investment :

Provided that, in the case of any society which gives notice to that effect to the Minister, no part of the sum ascertained to be available for investment shall be paid over to the society for investment or retained by the Minister for investment on behalf of the society, but the whole amount shall be carried to the credit of the society in the Investment Account.

(4) The said regulations shall provide for crediting to approved societies, the Navy, Army and Air Force Insurance Fund, the Deposit Contributors Fund, the Deposit Contributors Insurance Section, and the Reserve Suspense Fund, interest at such rate or rates per annum as may be prescribed on the sums from time to time standing to the credit of the society, Fund, or Section, in the Investment Account.

Investment of funds by approved societies.

143.—(1) Every approved society shall invest any sums paid to the society for investment, and shall for the purpose have power to invest in any investments in which trustees are for the time being by law empowered to invest trust funds, or in any stocks, mortgages or other securities issued by any local authority within the meaning of the Local Loans Act, 1875, and charged on any rates levied by or on the order or precept of that authority, or in any other securities for the time being approved by the Minister.

38 & 39 Vict. c. 83.

(2) Regulations may be made enabling the Minister, in the case of approved societies which transact business other than business under this Act or which are separate sections of other bodies, and under whose rules investments arising out of business under this Act are made in the names of the persons in whose names investments

arising out of business other than business under this Act are made, to require that any investments of sums paid to the society for investment under the last preceding section shall, unless made in the names of the trustees of the society as trustees of the funds of the society under this Act, be made in the joint names of the Minister and two or more of the trustees of the society, or, if the society so requests, in the name of the Minister alone.

(3) Where at the request of a society the Minister, instead of paying over any sum to the society, retains the sum for investment on behalf of the society, he shall invest the sum in accordance with the directions of the society in any investments in which the society might have invested it, if it had been paid over to the society, and shall from time to time vary the investments in accordance with the like directions, and shall pay over or credit to the society all sums received by way of interest or dividend on the investments held by him on behalf of the society.

(4) Every approved society shall apply the sums received by way of interest or dividend on investments held by the society or by the Minister on behalf of the society towards the cost of the benefits of the members of the society and the expenses of the administration of those benefits, or otherwise as may be prescribed.

Minister to retain certain sums out of weekly contributions.

144.—(1) Out of each weekly contribution paid by or in respect of an insured person who is a member of an approved society, of the Deposit Contributors Insurance Section or of the Navy, Army and Air Force Insurance Fund, there shall be retained by the Minister—

(*a*) for the purposes mentioned in paragraphs (*a*), (*b*) and (*c*) of the next succeeding subsection the sum of one penny and one-tenth of a penny in the case of a man, and the sum of four-fifths of a penny in the case of a woman; and

(*b*) for the purposes mentioned in paragraph (*d*) of that subsection such further sum as may with the consent of the Treasury be prescribed in the case of men and women respectively:

Provided that—

(i) for the purpose of ascertaining the sums to be retained by the Minister out of the contributions of masters and seamen serving in

Part VI. —*cont.*

foreign-going ships, every six weekly contributions at the reduced rate paid by or in respect of those masters and seamen by virtue of the provisions of Part V of this Act shall be treated as seven weekly contributions;

(ii) nothing shall be retained by the Minister for the purposes of the Unemployment Arrears Fund out of the weekly contributions paid by or in respect of members of the Deposit Contributors Insurance Section unless regulations so provide.

(2) Out of the sums retained by the Minister under the last preceding subsection—

(*a*) seventeen-twentieths of a penny in the case of a man and eleven-twentieths of a penny in the case of a woman shall be periodically apportioned by the Minister in the National Health Insurance Fund among approved societies, including for this purpose the Navy, Army and Air Force Insurance Fund and the Deposit Contributors Insurance Section, in proportion to the amount of the reserve values hereinafter mentioned which have been created under this Act or any Act repealed by this Act or by the National Health Insurance Act, 1924, and which are for the time being standing to the credit of the several societies, and any balance of the sums so apportioned to a society, after providing for interest at the rate of three per centum per annum on the amount of such reserve values for the time being credited to the society, shall be applied to the redemption of those reserve values;

(*b*) three-sixteenths of a penny in the case of each insured person, whether a man or a woman, shall be periodically apportioned by the Minister in the National Health Insurance Fund among approved societies, including for this purpose the Deposit Contributors Insurance Section, in proportion to the number of contributions credited, and the sums so apportioned to any society shall form the contingencies fund of the society and be available for making good any deficiency of the society or of the branches thereof in manner provided by Part IV of this Act;

Part VI. —*cont.*

(*c*) one-sixteenth of a penny in the case of each insured person, whether a man or a woman, shall be paid by the Minister to the Joint Committee, and shall be carried by the Joint Committee to the Central Fund;

(*d*) the sums prescribed in the case of men and women respectively with the consent of the Treasury shall be paid by the Minister to the Joint Committee, and shall be carried by the Joint Committee to the Unemployment Arrears Fund hereinafter mentioned.

(3) Notwithstanding anything in paragraphs (*b*) and (*c*) of the last preceding subsection, if at any time it appears to the Joint Committee that, after taking into account the necessity for creating a proper reserve, the sums standing to the credit of the Central Fund are more than sufficient for the purposes for which that Fund is established, the Joint Committee may by regulations provide for decreasing the amounts to be paid by the Minister to the Joint Committee and carried by the Joint Committee to the Central Fund, and for making a corresponding increase in the amounts to be apportioned by the Minister among approved societies for the purposes of the contingencies funds of the societies.

(4) Nothing in this section shall derogate from the power of the Minister to apply the provisions of this Act relating to approved societies and members of approved societies to the Navy, Army and Air Force Insurance Fund and members of the Fund, subject to the prescribed modifications, adaptations and exceptions.

Reserve Suspense Fund.

Reserve Suspense Fund.

145. There shall be kept in the accounts of the National Health Insurance Fund an account called "the Reserve Suspense Fund" for the purpose of facilitating the financial adjustments required in respect of persons entering into insurance or ceasing to be insured or transferring from one approved society to another or to an approved society from the Deposit Contributors Fund, the Deposit Contributors Insurance Section, and the Navy, Army and Air Force Insurance Fund, or to any of those Funds from an approved society, or to that Section from the Deposit Contributors Fund, and for the other purposes mentioned in this Part of this Act.

Part VI. —*cont.*

Transfer values and reserve values.

146.—(1) There shall be debited to approved societies and credited to the Reserve Suspense Fund—

(*a*) a transfer value for every insured person who, being a member of an approved society, ceases to be an insured person;

(*b*) a transfer value for every insured person who, being a member of an approved society, on the expiration of a free insurance period enters upon an extended insurance period and becomes disentitled to sickness and disablement benefit;

(*c*) such sum as may be prescribed in the case of any woman, who being an insured person and a member of an approved society, marries.

(2) There shall be credited to each approved society the appropriate reserve values in respect of persons joining the society for the purposes of this Act, or of persons who, being members of the society during an extended insurance period, cease to be disentitled to sickness or disablement benefit or become voluntary contributors, or of women who, being insured persons and members of the society, marry and after their marriage continue to be, or become, employed contributors.

(3) The reserve values required to be credited to approved societies in any year, or such portion of those reserve values as may be prescribed, shall be provided out of the sums standing to the credit of the Reserve Suspense Fund.

(4) Any portion of the reserve values required to be credited to an approved society in any year which is not provided out of the sums standing to the credit of the Reserve Suspense Fund shall be provided by the creation of additional reserve values by the Minister, and the amount of the outstanding reserve values created under any Act repealed by this Act or by the National Health Insurance Act, 1924, shall be increased accordingly.

(5) In this Act, " reserve value " means the capital sum, calculated in accordance with tables prepared by the Minister, which is required in respect of members entering into insurance at ages over sixteen to meet the estimated loss, if any, arising from the acceptance by an approved society of those members upon the terms and conditions as regards contributions and benefits laid down by this Act.

A person who during an extended insurance period ceases to be disentitled to sickness and disablement benefit or becomes a voluntary contributor, or who, being a woman and a member of an approved society, marries and after her marriage continues to be, or becomes, an employed contributor, shall be deemed to have then joined an approved society, and " reserve value " shall in the case of those persons be construed accordingly.

(6) In this Act, " transfer value " in relation to an insured person ceasing to be an insured person, or entering upon an extended insurance period and becoming disentitled to sickness and disablement benefit, means the capital sum, calculated in accordance with tables prepared by the Minister, which would represent the liability as at that date of the society in respect of him, if he had continued to be a member of the society upon the same terms and conditions as regards contributions and benefits as theretofore, and in relation to a person who ceases to be a member of an approved society otherwise than by ceasing to be an insured person has a corresponding meaning:

Provided that, save where otherwise expressly provided, the liability, if any, of an approved society with respect to additional benefits shall not be taken into account for the purpose of calculating a transfer value.

(7) Regulations may be made with respect to the administration of the Reserve Suspense Fund, and those regulations shall provide for the manner in which the balance of the sums standing to the credit of the Fund after providing for reserve values and the other sums debited to the Reserve Suspense Fund as hereinafter provided shall be dealt with and applied.

(8) Regulations may be made with respect to the crediting and variation, whether by way of increase or decrease, and cancellation of reserve values.

Transfer values in respect of insured persons passing from one society to another.

147.—(1) There shall be debited to an approved society, or to the Navy, Army and Air Force Insurance Fund, as the case may be, and credited to the Reserve Suspense Fund—

(*a*) a transfer value for every insured person who ceases to be a member of that approved society and becomes a member of another;

(*b*) a transfer value for every man who ceases to be entitled to benefits out of the Navy, Army and Air Force Insurance Fund on becoming a member of an approved society.

(2) There shall be debited to the Reserve Suspense Fund and credited to an approved society,—

(*a*) a sum equal to the transfer value of every insured person who becomes a member of that approved society on ceasing to be a member of another approved society;

(*b*) a sum equal to the transfer value of every man who has ceased to be entitled to benefits payable out of the Navy, Army and Air Force Insurance Fund on becoming a member of an approved society.

(3) In this section, " approved society " includes a branch of an approved society, and " transfer value " in the case of a man ceasing to be entitled to benefits payable out of the Navy, Army and Air Force Insurance Fund means a sum equal to the amount which would have been the amount of his transfer value, if, at that time, he had ceased to be a member of an approved society and had become a member of another approved society.

(4) Regulations made under Part V of this Act for entitling men of the forces who join approved societies to participate in additional benefits provided by those societies may prescribe special transfer values applicable to such men.

Transfer values in respect of deposit contributors.

148.—(1) There shall be credited to the Reserve Suspense Fund—

(*a*) the sums standing to the credit in the Deposit Contributors Fund of any insured person who ceases to be a deposit contributor and becomes a member of an approved society;

(*b*) the sums standing to the credit in the Deposit Contributors Fund of any deposit contributor who becomes a member of the Deposit Contributors Insurance Section.

(2) There shall be debited to the Reserve Suspense Fund and credited to an approved society or to the

Deposit Contributors Insurance Section, as the case may be,—

(*a*) in the case of a deposit contributor becoming a member of that approved society;

(*b*) in the case of a deposit contributor becoming a member of the Deposit Contributors Insurance Section;

a sum equal to the amount which would have been the amount of his transfer value, if he had previously been a member of an approved society instead of a deposit contributor.

(3) If an insured person, being a member of an approved society, ceases to be a member of that society and becomes a deposit contributor, his transfer value shall be debited to the society and credited to the Reserve Suspense Fund, and there shall be debited to the Reserve Suspense Fund and credited to him in the Deposit Contributors Fund such sum as represents in the opinion of the Minister the value of the contributions paid by or in respect of him, regard being had in making the calculation to his age and the period during which he has been insured, and any sum by which his transfer value exceeds the sum so credited to the Deposit Contributors Fund shall, so far as it represents outstanding reserve value, be cancelled.

Transfers to Reserve Suspense Fund in respect of persons attaining age of sixty-five.

149. Provision may be made by regulations for charging to the funds of an approved society and crediting to the Reserve Suspense Fund such sum calculated in the prescribed manner as represents the estimated cost, inclusive of administration expenses, of medical benefit in respect of every person who is a member of that approved society who attains the age of sixty-five years, and there shall be debited to the Reserve Suspense Fund in each year and credited to insurance committees in respect of any such members such amounts as may be prescribed.

Application of Reserve Suspense Fund towards making good apprehended deficiencies.

150.—(1) If on the valuation of an approved society or branch of an approved society it appears to the valuer that a deficiency will be disclosed, he shall forthwith report the case to the Government Actuary, and the Government Actuary shall thereupon estimate what part of the deficiency has arisen, since the date as at which the last preceding valuation was made, by reason

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of any changes in the financial basis of the national health insurance scheme effected by the National Health Insurance Act, 1926, and in particular by—

16 & 17 Geo. 5. c. 9.

(*a*) the reduction in the proportion of the cost of the benefits and of the administration of those benefits payable out of moneys provided by Parliament from two-ninths to one-seventh in the case of men and one-fifth in the case of women;

(*b*) the increase in the maximum charge for medical benefit and the administration expenses of insurance committees and of any expenses incurred by the Minister in the administration of benefits from ten shillings to thirteen shillings.

(2) The Government Actuary shall also estimate the extent, if any, to which the financial position of the society or branch has been made worse owing to the amount of unemployment in the period exceeding that for which provision is made in the valuation basis, regard being had to the operation of the provisions of Part II of this Act relating to arrears of contributions and the regulations made thereunder and of the provisions of this Part of this Act relating to the Unemployment Arrears Fund.

(3) The Government Actuary shall, as soon as he has estimated the amounts aforesaid, issue a certificate specifying what the sum of those amounts is, or, if that sum is greater than the amount of the apprehended deficiency, what the amount of that deficiency is, and shall transmit the certificate to the Minister.

(4) The Minister on receiving a certificate under this section shall cause a sum equal to the amount specified in the certificate to be credited to the society or branch out of the balance, if any, standing to the credit of the Reserve Suspense Fund, after due provision has been made for the payment of any sum charged on that Fund under or by virtue of any of the provisions of this Part of this Act.

(5) Any amount to be credited under this section to a society or branch of a society shall be treated as having formed part of the assets of the society or branch at the date of the valuation.

Transfers from

151.—(1) If any insured person ceases to be permanently resident in the United Kingdom and becomes

Reserve Suspense Fund in case of insured persons ceasing to reside in the United Kingdom.

a member of any society or institution, established outside the United Kingdom, of a kind similar to an approved society which is approved by the Minister, or of any branch established outside the United Kingdom of an approved society, a sum equal to the transfer value of that person shall be paid out of the Reserve Suspense Fund to that society or institution or branch, if the Minister is satisfied that the society, institution or branch in question gives corresponding rights to any of its members becoming resident in the United Kingdom.

(2) Where an arrangement has been made with the government of any part of His Majesty's dominions outside the United Kingdom or of any foreign state whereby insured persons may be transferred to a society or institution established in that part or in that foreign state similar to an approved society, and members of any such society or institution may be transferred to approved societies, the Minister may make such arrangements as may be necessary for any such transfer as aforesaid, and for the determination of the amount to be paid to or from the Reserve Suspense Fund, as the case may be, in any such case, and of the rights to which any person transferred shall be entitled.

(3) If a person who has for not less than five years been a member of an approved society ceases permanently to reside in the United Kingdom and does not join such a society, branch or institution as is mentioned in the foregoing provisions of this section and the approved society is willing to permit him to remain a member of the society and to become entitled to benefits independently of this Act, such sum may, subject to regulations, be paid from the Reserve Suspense Fund to the funds of the society independently of this Act, as would have been carried to the credit of that person in the Deposit Contributors Fund, if he had ceased to be a member of the society and had become a deposit contributor, and so much of any reserve value which may have been credited to the society in respect of him as would in such a case be cancelled, shall be cancelled.

(4) This section shall have effect subject to the foregoing provisions of this Act which make provision for the case of persons resident outside the United Kingdom and for the making of mutual arrangements between the United Kingdom and the Irish Free State.

Part VI. —*cont.*

(5) Nothing in the foregoing provisions of this section shall affect the right of an approved society under this Act to refuse applications for membership.

(6) The provisions of this section shall apply in the case of a deposit contributor with the substitution of the sum standing to his credit in the Deposit Contributors Fund for a transfer value, and as though, in the case of any arrangements made with the government of any part of His Majesty's dominions outside the United Kingdom or of a foreign state, an approved society included the Deposit Contributors Fund.

Provisions with respect to superannuation funds of statutory undertakers.

152. Where persons engaged in an employment which is an excepted employment by virtue of a certificate given under paragraph (*d*) of Part II of the First Schedule to this Act are members of an approved society connected with the statutory undertaking in respect of which the certificate has been given, such financial arrangements as may be provided by a scheme approved by the Joint Committee shall have effect as between the society, the Reserve Suspense Fund and the superannuation fund approved for the purposes of the said paragraph and in which those persons are entitled to rights.

Payment out of Reserve Suspense Fund in respect of assisted passages.

153. In the case of a member of an approved society or branch emigrating and applying for an assisted passage under any scheme approved by the Minister, after consultation with the Secretary of State concerned, such sum as may be prescribed in respect of the cost of any medical examination necessary for obtaining the passage, and of the issue of the appropriate certificate, may be paid out of the Reserve Suspense Fund.

Central Fund.

Central Fund.

154.—(1) There shall be a fund called "the Central Fund", which shall be under the control and management of the Joint Committee, and there shall be carried to that Fund in respect of each year the sums following, that is to say:—

(*a*) such payments on account of sickness or disablement benefit in respect of any period when an insured person is an inmate of any workhouse, hospital (including mental hospital),

Part VI. —*cont.*

asylum, convalescent home or infirmary supported by any public authority, or out of any public funds, or by charity or voluntary subscriptions, as by virtue of any of the provisions of Part II of this Act are directed to be carried to the Fund;

(*b*) such sums as are directed by any of the provisions of the Contributory Pensions Act to be carried to the Fund;

(*c*) such sums as are directed to be carried to the Fund by the provisions of this Part of this Act, being part of the sums retained by the Minister out of each weekly contribution paid by or in respect of insured persons;

(*d*) such surplus as may be disclosed on any valuation of the Deposit Contributors Insurance Section.

(2) Where the Minister satisfies the Treasury as respects any sums received by him on account of sales of stamps issued for the purposes of this Act that no claim has been or is likely to be made by or on behalf of any approved society or any deposit contributor for the crediting of those sums to the society or the Deposit Contributors Fund or the Deposit Contributors Insurance Section, those sums, after deducting therefrom any amounts payable in respect of the cost of medical benefit, shall as to nine-tenths thereof be carried to the Central Fund and as to the residue thereof shall be applied in the repayment to approved societies of so much of the sums expended by them in paying maternity benefit in respect of the insurance of persons disentitled for the time being during an extended insurance period to sickness and disablement benefit as is not defrayed out of moneys provided by Parliament, and, so far as is not so applied, shall be applied in such manner as may be prescribed.

In this subsection "maternity benefit" does not include any increase of maternity benefit by way of additional benefit.

Application of Central Fund in certain cases towards making

155.—(1) Where, in the case of an apprehended deficiency on the valuation of an approved society or branch of an approved society, the Minister has received a certificate from the Government Actuary in pursuance of the provisions of this Part of this Act, and there is no

Part VI.
—
good apprehended deficiences.

balance standing to the credit of the Reserve Suspense Fund, after due provision has been made for the payment of any sum charged on that Fund under or by virtue of any of the provisions of this Part of this Act, or the balance is insufficient for the purpose of providing the whole amount specified in the certificate, the Minister shall transmit the certificate to the Joint Committee with a statement as to the amount which cannot be provided out of the Reserve Suspense Fund, and the Joint Committee shall thereupon cause that amount to be credited to the society out of the Central Fund.

(2) Any amount to be credited under this section to a society or branch of a society shall be treated as having formed part of the assets of the society or branch at the date of the valuation.

Application of Central Fund towards making good deficiencies.

156.—(1) If on the valuation of any society or any branch of a society a deficiency is disclosed, and the sums in any contingencies funds available to make good that deficiency are not sufficient, the Joint Committee, if satisfied that the deficiency is due in whole or in part to an abnormal rate of sickness among the members of the society or branch attributable to the nature of their employment or environment or their physical condition or any epidemic disease, or is due to the rate of sickness being abnormal by reason of the small membership of the society or branch or is due to any other special cause beyond the control of the society or branch, may, out of the Central Fund, make good the whole or part of the deficiency in so far as it is not made good out of the available contingencies funds, and, in the case of a society in relation to which an employer has undertaken any obligation, in so far as it is not made good in accordance with that obligation.

(2) For the purpose of determining whether the claim of any society or branch for relief out of the Central Fund should be granted, the Joint Committee shall, if so requested by the society, or in the case of a branch by the central authority of the society, appoint an independent body, constituted in accordance with regulations made by the Joint Committee, to investigate the circumstances to which the deficiency was attributable, and in determining whether and to what extent relief should be granted out of the Central Fund to the society or branch shall have regard to the report of the investigating body.

(3) If on the valuation of the Deposit Contributors Insurance Section a deficiency is disclosed, the deficiency, so far as not made good out of the contingencies fund by the Section, shall be made good out of the Central Fund.

Unemployment Arrears Fund.

Unemployment Arrears Fund.

157.—(1) There shall be a fund called "the Unemployment Arrears Fund", which shall be under the control and management of the Joint Committee, and there shall be carried to that Fund the sums retained by the Minister for that purpose out of the weekly contributions paid by or in respect of insured persons, as hereinbefore provided, together with the other sums mentioned in this section.

(2) There shall be paid as soon as may be after the end of each contribution year in such manner and at such times as the Treasury may determine into the Unemployment Arrears Fund out of moneys provided by Parliament a sum equal to the total sum retained by the Minister and paid into the Fund in respect of that year under the last preceding subsection:

Provided that, if as a result of any valuation of the Navy, Army and Air Force Insurance Fund, made after the first day of January, nineteen hundred and thirty-two, the Government Actuary certifies that there is a disposable surplus in the Fund after providing for the cost of maintaining the prescribed additional benefits, that surplus with any interest accrued thereon shall be paid into the Unemployment Arrears Fund in such amounts and at such times as the Treasury may direct, and the sums payable into the Fund out of moneys provided by Parliament shall be correspondingly reduced.

(3) There shall be credited to every approved society out of the Unemployment Arrears Fund a sum calculated at the rate of threepence halfpenny in respect of each of the total number of arrears of contributions of members of the society which are left out of account in accordance with any regulations relating to arrears of contributions made in accordance with the provisions of Part II of this Act:

Provided that, in the case of arrears of contributions of masters and seamen serving on foreign-going ships, such sum shall be credited to the approved society

Part VI. —*cont.*

of which the master or seaman is a member as may with the consent of the Treasury be prescribed.

(4) All sums credited to societies out of the Unemployment Arrears Fund under this section shall be deemed to have been derived from contributions made in respect of contributors, notwithstanding that they are derived in part from moneys provided by Parliament.

(5) The provisions of this section shall have effect with respect to the contribution year beginning on the second day of July, nineteen hundred and thirty-four, and with respect to succeeding contribution years.

Investment by National Debt Commissioners, Audit, &c.

Investment of National Health Insurance Fund moneys by National Debt Commissioners.

158.—(1) Any sums in the National Health Insurance Fund, the Central Fund and the Unemployment Arrears Fund, not required to meet current liabilities or to be paid over to societies for investment or invested by the Minister on their behalf shall be paid over to the National Debt Commissioners, and by them invested in accordance with regulations made by the Treasury in any securities which are for the time being authorised by Parliament as investments for Savings Banks funds.

(2) The Commissioners shall, in making the investment, give preference to stocks or bonds issued under the provisions of the Acts relating to borrowing for raising capital for the purposes of the Local Loans Fund where the purpose for which the capital is required is the making of advances for the purposes of the Housing Act, 1936.

26 Geo. 5. & 1 Edw. 8. c. 51.

(3) The Commissioners shall present to Parliament annually an account of the securities held by them in which moneys forming part of the National Health Insurance Fund, the Central Fund, and the Unemployment Arrears Fund, are for the time being invested.

Accounts to be audited by Comptroller and Auditor General, &c.

159. Accounts of the National Health Insurance Fund, and of the Central Fund, the Unemployment Arrears Fund, and any other fund under the control of the Joint Committee, shall be prepared in such form, in such manner and at such times as the Treasury may direct, and the Comptroller and Auditor General shall examine and certify every such account and shall lay copies thereof, together with his report thereon, before both Houses of Parliament.

PART VII.

CENTRAL ADMINISTRATION.

National Health Insurance Joint Committee.

National Health Insurance Joint Committee.

160.—(1) For the purposes of this Act, there shall be a Joint Committee (in this Act referred to as "the Joint Committee") which shall consist of the Minister, who shall be chairman, the Secretary of State for Scotland and the Minister of Labour for Northern Ireland, together with one other person appointed by the Minister, being a person having special knowledge and experience of national health insurance in Wales.

(2) The Joint Committee shall be a body corporate by the name of "the National Health Insurance Joint Committee," and shall have an official seal which shall be officially and judicially noticed, and the seal of the Committee may be authenticated by any member of, or the secretary to, the Committee, or by any person authorised by the Committee to act on behalf of the secretary.

(3) The Joint Committee shall make regulations providing for the appointment of deputies to act for the several members of the Committee at meetings of the Committee at which those members are unable to be present.

(4) The Joint Committee may make such financial adjustments as may be necessary between the several funds under the control and management of the Minister, the Department of Health for Scotland and the Ministry of Labour for Northern Ireland, and for the purposes of co-ordination shall exercise and perform such powers and duties of the Minister, the Department and the Ministry under this Act, either alone or jointly with any of them, as regulations of the Committee may prescribe.

(5) The Joint Committee may make regulations as to the valuation of societies and branches which have among their members persons resident in any two or more national areas.

PART VII. —*cont.*

31 & 32 Vict. c. 37.
45 & 46 Vict. c. 9.

(6) The Documentary Evidence Act, 1868, as amended by the Documentary Evidence Act, 1882, shall apply to the Joint Committee as if that Committee were included in the first column of the Schedule to the first-mentioned Act, and as if the chairman or other member or the secretary, or any person authorised to act on behalf of the secretary, of the Committee, were mentioned in the second column of that Schedule, and as if the regulations referred to in those Acts included any document issued by the Committee.

Determination of Questions and Disputes.

Determination of questions by Minister.

161.—(1) If any question arises—

(*a*) whether any employment or any class of employment is or will be employment within the meaning of this Act, or whether a person is or was a person employed within the meaning of this Act, or whether a person is or was entitled to be a voluntary contributor; or

(*b*) as to the rate of contributions payable by or in respect of any insured person; or

(*c*) as to the rates of contributions payable in respect of an employed contributor by the employer and the contributor respectively; or

(*d*) as to the person who is or was the employer of an employed contributor;

the question shall be determined by the Minister, in accordance with regulations made for the purpose:

Provided that—

(i) if any person is aggrieved by the decision of the Minister on any question arising under paragraph (*a*) or paragraph (*d*), he may appeal therefrom on any question of law to a judge of the High Court selected for the purpose by the Lord Chancellor, and the decision of that judge shall be final:

(ii) the regulations may provide for questions under paragraph (*b*) being determined, in the case of any person who is or is about to

Part VII. —*cont.*

become a member of an approved society, by the society:

(iii) the Minister may, if he thinks fit, instead of himself deciding whether any class of employment is or will be employment within the meaning of this Act, submit the question for decision to the High Court, and the decision of that Court shall be final.

(2) Any person appointed in accordance with any regulations made under this section for the purpose of holding an inquiry and reporting to the Minister may by summons require any person to attend, at such time and place as is set forth in the summons, to give evidence or to produce any documents in his custody or under his control which relate to the question to be determined, and may take evidence on oath, and for that purpose administer oaths:

Provided that no person shall be required, in obedience to such a summons, to go more than ten miles from his place of residence, unless the necessary expenses of his attendance are paid or tendered to him.

(3) Every person who refuses or wilfully neglects to attend in obedience to a summons issued under this section, or to give evidence, or who refuses to produce any book or document which he may be required to produce for the purposes of this section, shall be liable on summary conviction to a fine not exceeding five pounds.

(4) The Minister may, on new facts being brought to his notice, revise any decision given by him under this section, other than a decision against which an appeal is pending or as respects which the time for appealing has not expired, and an appeal shall lie against any such revised decision in the same manner as against an original decision.

(5) Provision may be made by rules of court for regulating appeals and references to the High Court under this section, and those rules shall provide for limiting the time within which an appeal to the High Court under this section may be brought and for the determination in a summary manner of any appeals or references to the High Court under this section, and for requiring notice of any such appeals to be given to the Minister.

Part VII. —*cont.*

(6) The Minister shall be entitled to appear and be heard on any appeal or reference under this section.

Special provisions with respect to persons declared by High Court not to be employed within the meaning of Insurance Act.

162.—(1) Where under the last preceding section the High Court decide that any employment or any class of employment is not or was not employment within the meaning of the Act or that a person is not or was not a person employed within the meaning of the Act, and that decision is inconsistent with some previous determination of the Minister under that section, then, if the Minister is satisfied that contributions have been paid by or in respect of any person by reason of that determination or in the reasonable belief that that determination was applicable, he may, if it appears to him that it would be in the interests of any person by or in respect of whom contributions have been so paid so to do, direct that that person shall be treated as though he had been in insurable employment during any week in respect of which contributions were so paid before the date on which the decision of the High Court was given, and, if such a direction is given, that person shall be deemed to have been in such employment accordingly.

(2) The provisions of this section shall apply with the necessary modifications in any case where the Minister, on new facts being brought to his notice, has revised a determination previously given by him under the last preceding section as they apply where the High Court have given a decision inconsistent with a determination previously so given by the Minister.

Decision of disputes.

163.—(1) Subject to the provisions of this Part of this Act relating to the determination of questions by the Minister—

(*a*) Every dispute, relating to anything done or omitted by that person, society or branch (as the case may be) under this Act or any regulations made thereunder, between—

(i) an approved society or a branch thereof, and an insured person who is a member of the society or branch or any person claiming through such a person;

(ii) an approved society or branch thereof, and any person who has ceased to be a member for the purposes of this Act of the society or branch, or any person claiming through such a person;

(iii) an approved society and any branch thereof;

(iv) any two or more branches of an approved society; and

(*b*) Every dispute between an approved society and any person as to whether that person is or was at any date a member of that society for the purposes of this Act,

shall be decided in accordance with the rules of the society, but any party to such dispute may, in such cases and in such manner as may be prescribed, appeal from the decision to the Minister.

(2) Every dispute between—

(*a*) an insured person and an insurance committee;

(*b*) two or more approved societies;

(*c*) an approved society and an insurance committee;

(*d*) two or more insurance committees;

relating to anything done or omitted by such person, society, or insurance committee under this Act or any regulations made thereunder, shall be decided in the prescribed manner by the Minister.

(3) The Minister may, subject to the provisions of this Act, authorise referees appointed by him to decide any appeal or dispute submitted to him under this section.

(4) Regulations may be made providing for the procedure on any such appeal or dispute, and any such regulations may apply any of the provisions of the Arbitration Acts, 1889 to 1934, as amended by any subsequent enactment, but except so far as they may be so applied, those Acts shall not apply to proceedings under this section, and any decision given by the Minister or a referee under this section shall be final and conclusive.

Provision as to exercise of judicial powers of Minister.

164. In such matters of a judicial nature arising under this Act as may be prescribed, the powers and duties of the Minister shall be exercised by him through a special body or special bodies of persons constituted in such manner as may be prescribed.

PART VII. —*cont.*

Inspectors.

Powers of inspectors.

165.—(1) An inspector appointed by the Minister for the purposes of this Act (in this Act referred to as "an inspector"), shall, for the purposes of the execution of this Act, have power to do all or any of the following things, namely:—

(*a*) to enter at all reasonable times any premises or place, other than a private dwelling-house not being a workshop, where he has reasonable grounds for supposing that any employed contributors are employed;

(*b*) to make such examination and inquiry as may be necessary for ascertaining whether the provisions of this Act are complied with in any such premises or place;

(*c*) to examine, either alone or in the presence of any other person, as he thinks fit, with respect to any matters under this Act, every person whom he finds in any such premises or place, or whom he has reasonable cause to believe to be or to have been an employed contributor, and to require every such person to be so examined and to sign a declaration of the truth of the matters in respect of which he is so examined;

(*d*) to exercise such other powers as may be necessary for carrying this Act into effect.

(2) The occupier of any such premises or place and any other person employing any employed contributor, and the servants and agents of any such occupier or other person, and any employed contributor shall furnish to an inspector all such information and shall produce for inspection all such registers, books, cards and other documents as the inspector may reasonably require.

(3) Where any such premises or place are liable to be inspected by inspectors or other officers of, or are under the control of, some other Government department, the Minister may make arrangements with that other Government department for any of the powers and duties of inspectors under this section being carried out by inspectors or other officers of the other Government department, and where such an arrangement is made,

those inspectors and officers shall have all the powers of an inspector under this section.

(4) An inspector shall be furnished with the prescribed certificate of his appointment, and on applying for admission to any premises for the purposes of this Act shall, if so required, produce the said certificate to the occupier.

(5) The Minister may empower an inspector to exercise in respect of any approved society or any branch of an approved society all or any of the powers given by section seventy-six of the Friendly Societies Act, 1896, to an inspector appointed thereunder:

Provided that any complaint or report as to any such branch as aforesaid made by an inspector under this subsection shall be communicated to the central authority of the society.

(6) No one shall be required under this section to answer any question or give any evidence tending to incriminate himself.

Penalties for obstructing inspectors, &c.

166. If any person wilfully delays or obstructs an inspector in the exercise of any power under the last preceding section of this Act relating to the powers of inspectors or fails to give such information or to produce such documents as provided in that section, or conceals or prevents or attempts to conceal or prevent any person from appearing before or being examined by an inspector, he shall be liable on summary conviction to a fine not exceeding five pounds.

Regulations and Orders.

Regulations.

167.—(1) Regulations may be made under this Act for any of the following purposes, that is to say:—

(*a*) for any purpose for which regulations are expressly authorised to be made by any of the provisions of this Act;

(*b*) for prescribing anything which under this Act is to be prescribed; and

(*c*) generally for carrying this Act into effect.

(2) All regulations made under this Act shall be laid before both Houses of Parliament as soon as may be after they are made, and shall have effect as if enacted

Part VII. —*cont.*

in this Act, and if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat next after any such regulation is laid before it, praying that the regulation may be annulled, His Majesty in Council may annul the regulation, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder.

(3) Any regulations made under any of the provisions of this Act specified in the Fifth Schedule to this Act may contain such incidental, supplemental and consequential provisions as appear necessary for modifying and adapting the provisions of this Act to the provisions of the regulations and otherwise for the purpose of the regulations.

Rules as to making, &c., of special orders, &c.

168.—(1) Before the Minister makes any special order under this Act, he shall publish, in such manner as he may think best adapted for informing persons affected, notice of the proposal to make the order, and of the place where copies of the draft order may be obtained, and of the time (which shall be not less than twenty-one days) within which any objection made with respect to the draft order by or on behalf of persons affected must be sent to him.

(2) Every objection shall be in writing and shall state the draft order or portions of draft order objected to, the specific grounds of objections, and the omissions, additions or modifications desired.

(3) The Minister shall consider any objection made by or on behalf of any persons appearing to him to be affected which is sent to him within the required time, and he may, if he thinks fit, amend the draft order and cause the amended draft to be dealt with in like manner as an original draft.

(4) When the Minister does not amend or withdraw any draft order to which any objection has been made, then (unless the objection either is withdrawn or appears to him to be frivolous) he shall, before making the order, direct an inquiry to be held in manner hereinafter provided.

(5) The Minister may appoint a competent and impartial person to hold an inquiry with regard to any

draft order and to report to him thereon, and the following provisions shall have effect in relation to any such inquiry :— Part VII. —*cont.*

(*a*) the inquiry shall be held in public, and any objector and any other person who, in the opinion of the person holding the inquiry, is affected by the draft order, may appear at the inquiry either in person or by counsel, solicitor or agent;

(*b*) the witnesses at the inquiry may, if the person holding it thinks fit, be examined on oath;

(*c*) subject as aforesaid, the inquiry and all proceedings preliminary and incidental thereto shall be conducted in accordance with rules made by the Minister;

(*d*) the fee to be paid to the person holding the inquiry shall be such as the Minister may direct and shall be deemed to be part of the expenses of the Minister in carrying this Act into effect.

(6) Before a special order comes into force, it shall be laid before each House of Parliament for a period of not less than thirty days during which that House is sitting, and, if either of those Houses before the expiration of those thirty days presents an address to His Majesty against the order or any part thereof, no further proceedings shall be taken thereon, without prejudice to the making of any new order.

(7) As soon as the Minister has published notice of the proposal to make a special order he may, if he certifies that it is expedient that the special order should come into operation forthwith, make the special order to come into operation forthwith as a provisional special order, but such provisional special order shall only continue in force until the special order made in accordance with the foregoing provisions of this section has come into force.

(8) Any provisional special order made in pursuance of the last preceding subsection shall be laid before both Houses of Parliament as soon as may be after it is made, and if, within the subsequent twenty-one days on which that House has sat next after any such provisional special order is laid before it, either of those Houses presents an

address to His Majesty against the order or any part thereof, the order shall be annulled, but without prejudice to the validity of anything previously done thereunder.

Power to revoke and vary orders.

169. Any order or special order made under this Act may be revoked, varied or amended by an order or special order made in like manner as the original order.

Part VIII.

Legal and Miscellaneous.

Offences, Legal Proceedings, &c.

Offences.

170.—(1) If for the purpose of obtaining any benefit or payment or the crediting of a reserve value under this Act, either for himself or for any other person, or if for the purpose of avoiding any payment to be made by himself under this Act or of enabling any other person to avoid any such payment, any person knowingly makes any false statement or false representation, he shall be liable on summary conviction to imprisonment for a term not exceeding three months.

(2) If—

(*a*) any employer fails to pay any contributions which under this Act he is liable to pay; or

(*b*) any employer deducts or attempts to deduct from the wages or other remuneration of an employed contributor the whole or any part of the employer's contribution; or

(*c*) any employer, insured person or other person is guilty of any other contravention of or non-compliance with any of the requirements of this Act or the regulations made thereunder in respect of which no special penalty is provided;

he shall, for each offence, be liable on summary conviction to a fine not exceeding ten pounds:

Provided that no person shall be liable to any penalty in respect of any matter if he has acted in conformity with any decision in respect thereof by the Minister.

Part VIII. —*cont.*

(3) If any person buys, sells or offers for sale, takes or gives in exchange, or pawns or takes in pawn, any insurance card, insurance book or used insurance stamp, he shall be liable on summary conviction to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months, or to both such fine and imprisonment.

In any proceedings under this subsection with respect to used insurance stamps, an insurance stamp shall be deemed to have been used if it has been cancelled or defaced in any way whatever, and whether it has been actually used for the purpose of payment of a contribution or not.

Time limit for proceedings.

171. Notwithstanding any other enactment prescribing the time within which proceedings may be brought before a court of summary jurisdiction, proceedings for any offence under this Act may be brought either within one year from the date of the commission of the alleged offence or within three months from the date on which evidence sufficient in the opinion of the Minister to justify a prosecution for the offence comes to his knowledge, whichever is the longer, and for the purposes of this provision a certificate purporting to be signed by the Minister as to the date on which such evidence as aforesaid came to his knowledge shall be conclusive evidence thereof.

Liability of employers to Minister in certain cases.

7 Edw. 7. c. 17.

172.—(1) In any case where an employer has been convicted under this Act of the offence of failing or neglecting to pay any contribution in respect of a person, or has been charged with such an offence and an order has been made under subsection (1) of section one of the Probation of Offenders Act, 1907, the employer shall be liable to pay to the Minister a sum equal to the amount of the contributions which he has so failed or neglected to pay, and, if notice of the intention so to do is served with the summons or warrant, evidence may be given of failure or neglect on the part of that employer during the two years preceding the date of the offence to pay other contributions in respect of that person or any other person employed by him and on proof of such

Part VIII. —*cont.*

failure or neglect the employer shall be liable to pay to the Minister a sum equal to the total amount of all the contributions which he is so proved to have failed or neglected to pay.

Any sum paid by an employer under this subsection shall be treated as payment in satisfaction of the unpaid contributions.

(2) In any case where—

54 & 55 Vict. c. 38.

(*a*) an employer is convicted of any offence under section thirteen of the Stamp Duties Management Act, 1891, as applied by regulations made under Part I of this Act or of the offence of contravening or not complying with the requirements of the regulations made under this Act or is charged with any such offence and an order is made under subsection (1) of section one of the Probation of Offenders Act, 1907; and

(*b*) the evidence on which he is convicted or on which the order is made shows that the employer, for the purpose of paying any contribution which he was liable to pay, has affixed to an insurance card any stamp which had been previously affixed to any material or which had been cancelled or defaced in any way whatever, whether it had actually been used for the purpose of payment of a contribution or not,

the employer shall be liable to pay to the Minister a sum equal to the amount of the contribution in respect of which the stamp was affixed, and on such a conviction or on the making of such an order, if notice of intention to do so has been served with the summons or warrant, evidence may be given of the failure or neglect on the part of the employer during the two years preceding the date of the offence to pay other contributions in respect of the same person, and on proof of such failure or neglect the employer shall be liable to pay to the Minister a sum equal to the total of the contributions which he is so proved to have failed or neglected to pay.

Any sum paid by an employer under this subsection shall be treated as payment in satisfaction of the unpaid contributions, and the employed person's portion of those contributions shall not be recoverable by the employer from the employed person.

(3) Any sum ordered to be paid to the Minister under this section shall be recoverable as a penalty and not otherwise.

Civil proceedings by Minister for recovery of contributions.

173.—(1) Where an employer has failed or neglected to pay any contribution which under this Act he is liable to pay in respect of any person, the amount which he has so failed or neglected to pay shall be a debt due from him to the Minister and may be recovered by the Minister summarily as a civil debt, if proceedings for the purpose are instituted within three years from the date when the contribution becomes due:

Provided that the powers hereby conferred on the Minister shall be deemed to be in supplement of and not in derogation of any powers conferred on the Minister or on insured persons by any other provisions of this Act.

(2) If the employer, being a company, fails to pay to the Minister any sum which the company has been ordered to pay under the last preceding section, that sum or such part thereof as remains unpaid shall be a debt due to the Minister jointly and severally from any directors of the company who knew, or could reasonably have been expected to know, of the failure or neglect to pay the contribution or contributions in question, and proceedings for the recovery of the said sum summarily as a civil debt may be commenced at any time within twelve months from the date of the order for payment made on the company.

Civil proceedings by employee against employer for non-compliance with Act.

174.—(1) Where an employer has failed or neglected to pay any contribution which under this Act he is liable to pay in respect of any insured person in his employment (in this section referred to as "an employee"), or has failed or neglected to comply in relation to any employee with the requirements of any regulations relating to the payment and collection of contributions, and by reason thereof the employee or any person claiming through the employee has lost in whole or in part any benefits to which he would have

Part VIII. —*cont.*

been entitled under this Act, the employee or person so claiming shall be entitled to recover summarily from the employer as a civil debt a sum equal to the amount of any sickness, disablement or maternity benefit which he has lost as aforesaid, and a sum equal to the amount of any expenses which he has incurred by reason of not being entitled to medical benefit.

(2) If an employee who is a member of an approved society refuses or neglects to enforce any claim under the preceding provisions of this section, the society may take the necessary proceedings in the name and on behalf of the employee:

Provided that, if any society takes proceedings as aforesaid and fails in the proceedings, it shall be responsible for the costs of the proceedings as if it were claiming on its own account.

(3) If an employee is not a member of an approved society, he or any person claiming through him shall in any proceedings under this section be entitled to recover from the employer the same amount as if the employee had been a member of an approved society.

(4) Proceedings may be taken under this section notwithstanding that proceedings have also been taken under any other enactment in respect of the same failure or neglect, and may, notwithstanding any provision in any other enactment, be brought at any time within one year after the date on which the employee, but for the failure or neglect of the employer, would have been entitled to receive the benefit which he has lost.

Inspectors authorised to take proceedings.

175. An inspector or other officer appointed for the purposes of this Act shall, if authorised in that behalf by any special or general directions of the Minister, have power to take proceedings for any offence under this Act, or for the recovery of contributions from an employer summarily as a civil debt, and may, if authorised in that behalf by such directions as aforesaid, although not a counsel or solicitor, prosecute or conduct before a court of summary jurisdiction any such proceedings.

Decision of Minister on question of

176.—(1) In any summary proceedings under this Act whether for an offence or for the recovery of any sum as a civil debt the decision of the Minister on any question whether or not a person is or was an employed person or is or was the employer of an employed contributor within the meaning of this Act shall, unless an appeal against the decision is pending or the time for appealing against the decision has not expired, be conclusive for the purpose of those proceedings.

Part VIII. —*cont.* employment to be conclusive in civil and criminal proceedings under Act.

(2) If such a decision has not been obtained and the decision of the question is necessary for the determination of the proceedings, the question shall be referred to the Minister for decision in accordance with the provisions of this Act, and, where any such appeal is pending or the time for so appealing has not expired or any question has been so referred to the Minister, the court dealing with the case shall adjourn the proceedings until such time as a final decision on the question has been obtained.

Priority of contributions in cases of winding up and bankruptcy.

177.—(1) Amounts due from a company in respect of contributions payable under this Act shall be paid, subject to and in accordance with the provisions of sections seventy-eight, two hundred and sixty-four and two hundred and ninety-eight of the Companies Act, 1929, in priority to other debts of the company.

19 & 20 Geo. 5. c. 23.

(2) Paragraph (*e*) of subsection (1) of section thirty-three of the Bankruptcy Act, 1914, and paragraph (*e*) of subsection (1) of section one hundred and eighteen of the Bankruptcy (Scotland) Act, 1913 (which relate to priority of debts in bankruptcy), shall have effect as though for the references therein to contributions payable in respect of employed contributors under the National Insurance Act, 1911, there were substituted references to contributions payable in respect of employed contributors under this Act, and as though twelve months were substituted for four months.

4 & 5 Geo. 5. c. 59.

3 & 4 Geo. 5. c. 20.

Power to take evidence on oath at statutory inquiries.

178. Where under any provision of this Act or any regulations made thereunder the Minister is required or authorised to hold, or to appoint any committee or person to hold, an inquiry, the witnesses shall, if the Minister thinks fit, or if any one of the parties so demands, be examined on oath, and the committee or person appointed to hold the inquiry shall have power to administer oaths for the purpose.

Part VIII. —*cont.*

Miscellaneous.

Exemptions from stamp duty of certain documents required for purposes of Act.

179. Stamp duty shall not be chargeable upon the following documents in connection with business under this Act, namely :—

(1) draft, order or receipt given by or to an approved society or branch or insurance committee in respect of money payable in pursuance of this Act or of the rules of the society or branch;

(2) letter or power of attorney granted by any person as trustee for the transfer of any money of an approved society or branch or insurance committee, invested in his name in the public funds;

(3) bond or other security given to, by or on account of an approved society or branch or by the treasurer or other official thereof;

(4) appointment or revocation of appointment of agent, or other document required or authorised by or in pursuance of this Act, or by the rules of an approved society or branch;

(5) agreement entered into between an approved society or branch and an insurance committee in relation to medical benefit.

Provisions as to birth, death and marriage certificates.

180.—(1) Where, for the purposes of this Act, the age of any person is required to be proved by the production of a certificate of birth, or the marriage of any person is required to be proved by the production of a certificate of marriage, any person shall, on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed, and on payment in the case of a certificate of birth of a fee of sixpence and in the case of a certificate of marriage of a fee of one shilling, be entitled to obtain a certified copy of the entry of the birth or marriage, as the case may be, of the person in question in the register of births or the register of marriages, under the hand of the registrar having the custody thereof, and forms of requisition shall on request be supplied without any charge by every registrar.

In the application of the foregoing provision to certificates of birth, the expression " registrar " means a registrar of births and deaths or a superintendent registrar, and in its application to certificates of marriage means the registrar or superintendent registrar or other person having the care of the register in which the marriage is entered.

(2) Regulations may be made for applying the provisions of section ninety-seven of the Friendly Societies Act, 1896, subject to any necessary modifications, to certificates of death of insured persons required for the purposes of this Act.

Protection against distress and execution in certain cases.

181.—(1) Where the medical practitioner attending any insured person in receipt of sickness benefit certifies that the levying of any distress or execution upon any goods or chattels belonging to the insured person and being on premises occupied by him, or the taking of any proceedings in ejectment or for the recovery of any rent or to enforce any judgment in ejectment against that person, would endanger his life, and the certificate has been sent to the insurance committee and has been recorded in manner hereinafter provided, it shall not be lawful during such period as is specified in the certificate for any person to levy any such distress or execution or to take any such proceedings or to enforce any such judgment against the insured person:

Provided that, if any person desirous of levying any such distress or execution or taking any such proceedings or enforcing any such judgment disputes the accuracy of the certificate, he may apply to the registrar of the county court, and the registrar, if he is of opinion that the certificate should be cancelled or modified, may make an order cancelling or modifying it, and no appeal shall lie against any such order or a refusal to make any such order.

(2) A certificate granted for the purpose of this section shall continue in force for one week or such less period as may be specified in the certificate, but may be renewed from time to time for any period not exceeding one week, up to but not beyond the expiration of three months from the date of the grant of the original certificate, but no such renewal shall have effect unless sent to the insurance committee and recorded as aforesaid:

Provided that the protection conferred by this section shall not extend beyond the expiration of one

PART VIII. —*cont.*

month from the said date if, on demand being made by the person desirous of levying distress or execution or taking proceedings or enforcing judgment, proper security is not given for payment of rent thereafter to become due from the insured person or the amount of the judgment debt, as the case may be, and any dispute as to the sufficiency of the security shall be determined by the registrar of the county court whose decision shall be final.

(3) If any person knowingly levies or attempts to levy any distress or execution or takes any proceedings or enforces or attempts to enforce any judgment in contravention of this section, he shall be liable on summary conviction to a fine not exceeding fifty pounds.

Provisions with respect to certificates of protection.

182.—(1) A certificate or renewal thereof granted under the last preceding section shall forthwith be sent to the insurance committee, and the committee shall, unless they have reason to suspect its genuineness, record it without fee in a special register, and the register shall at all reasonable times be open to inspection.

(2) The genuineness of a certificate so recorded shall not be questioned in any proceedings against a sheriff or other officer for failure to levy any distress or execute any warrant.

(3) Where the time within which a warrant may be executed is limited, any period during which the warrant cannot be executed by reason of the provisions of the last preceding section shall be disregarded in computing the time within which the warrant may be executed.

Inquiries into causes of excessive sickness.

183.—(1) Where it is alleged by any approved society or insurance committee that the sickness which has taken place among any insured persons, being persons for the administration of whose sickness and disablement benefits the society is or committee are responsible, is excessive, and that the excess is due to—

(*a*) the conditions or nature of employment of those persons; or

(*b*) bad housing or insanitary conditions in any locality; or

(*c*) an insufficient or contaminated water supply; or

(*d*) neglect on the part of any person or authority to observe or enforce the provisions of any Act relating to the health of workers in factories, workshops, mines, quarries or other industries, or relating to public health or the housing of the working classes, or any regulations made under any such Act, or to observe or enforce any public health precautions,

the society or committee making the allegation may send to the person or authority alleged to be in default a claim for the payment of the amount of any extra expenditure alleged to have been incurred by reason of such cause as aforesaid, and if the society or committee and the person or authority fail to arrive at any agreement on the subject, may refer the matter, with a statement in support of the allegation, to the Minister, and if the Minister is of opinion that a primâ facie case for an inquiry is disclosed, he may appoint a competent person to hold an inquiry:

Provided that, if the excess is alleged to be due to neglect to observe or enforce the provisions of any Act for the administration of which the Secretary of State or the Board of Trade is or are responsible, the Minister shall refer the matter to the Secretary of State or to the Board of Trade, as the case may be, and thereupon the Secretary of State or the Board of Trade, as the case may be, may appoint a competent person to hold an inquiry.

(2) If the Minister is of opinion that the sickness which has taken place among any insured persons is excessive, and it appears to him that the excess is, or may be, due to any of the causes set out in subsection (1) of this section, he may make a claim in the same manner as a society or committee under that subsection, and on failure to arrive at any agreement with the person or authority may cause an inquiry to be held as provided in that subsection.

(3) If upon any inquiry being held, it is proved to the satisfaction of the person holding the inquiry that the amount of sickness has, during a period of not less than three years next before the date of the inquiry, or where there has been an outbreak of any epidemic, endemic or infectious disease, during any less period, been in excess of the amount of sickness which, in the opinion of the person holding the inquiry, would have occurred if there had been no default by any person or authority as aforesaid, the amount of that extra

PART VIII. —*cont.*

expenditure found by the person holding the inquiry to have been, by reason of the default, incurred under this Act—

(*a*) where the claim is made by the Minister, by any societies or committees; or

(*b*) where the allegation is made by a society or committee, by the society or committee in question,

shall be ordered by the person holding the inquiry to be made good in accordance with the following provisions:—

(i) where the excess is due to the conditions or nature of the employment or to any neglect on the part of any employer to observe or enforce any such Act or regulation as aforesaid, it shall be made good by the employer;

(ii) where the excess is due to bad housing or insanitary conditions in the locality, or to any neglect on the part of any local authority to observe or enforce any such Act or regulation or such precautions as aforesaid, it shall be made good by such local authority as appears to the person holding the inquiry to have been in default, or if due to the insanitary condition of any particular premises, shall be made good either by the authority or by the owner, lessee or occupier of the premises who is proved to the satisfaction of the person holding the inquiry to be responsible;

(iii) where the excess is due to an insufficient or contaminated water supply, it shall be made good by the local authority, company or person by whom the water is supplied, or who having imposed upon them the duty of affording a water supply have refused or neglected to do so, unless the local authority, company or person prove that the insufficiency or contamination was not due to any default on the part of the authority, company or person, but arose from circumstances over which they had no control.

Supplemental provisions

184.—(1) Where any such inquiry as aforesaid is held in respect of bad housing or insanitary conditions in any locality, it shall be lawful for the local authority to serve notice upon the owner, lessee or occupier of any premises which are the subject-matter of the inquiry, and where it is proved that such a notice has been served and that any such extra expenditure as aforesaid, or any part thereof, has been caused by the act or default of the owner, lessee or occupier, the person holding the inquiry may order the owner, lessee or occupier to repay to the local authority the amount of the extra expenditure or part thereof which has been so caused.

with respect to inquiries into excessive sickness.

(2) Regulations shall be made as to the procedure on inquiries under the last preceding section, and a person holding an inquiry shall have all such powers as a person appointed to hold an inquiry under the Local Government Act, 1933, has under that Act, and shall have power to order how and by what parties costs, including such expenses as the Minister or the Secretary of State or the Board of Trade may certify to have been incurred by him or them, are to be paid, and any order so made may, by leave of the High Court, be enforced in the same manner as a judgment or order of the High Court to the same effect:

23 & 24 Geo. 5. c. 51.

Provided that a society or committee shall not be ordered to pay the costs of the other party to the inquiry if the person holding the inquiry certifies that the demand for an inquiry was reasonable under the circumstances, and, where he so certifies, the Treasury may repay to the society or committee the whole or any part of the costs incurred by them.

(3) For the purposes of this and the last preceding section, any expenditure on any benefit administered by an insurance committee shall be deemed to be expenditure of that committee, but any sums paid to any such committee under this section to meet extra expenditure on sickness benefit or disablement benefit shall be dealt with for the benefit of deposit contributors in accordance with regulations.

(4) Where under this or the last preceding section any sum is paid to the Minister, he shall apply it in discharge of any expenses incurred by him under this section and shall distribute the balance among the societies and committees which appear to him to have incurred extra expenditure on account of the excessive sickness, in such proportions as he may think just.

Part VIII. —*cont.*

(5) Where an association of deposit contributors resident in any county or county borough has been formed under regulations, the insurance committee for the county or county borough shall, if so required by the association, take proceedings on behalf and at the expense of the association.

Application of Act to persons in the service of Crown.

185. This Act shall apply to persons employed by or under the Crown, other than those with respect to whom special provision is made by this Act, in like manner as if the employer were a private person:

Provided that in the case of a person employed in the private service of the Crown, the head of the department of the Royal Household in which he is employed shall be deemed to be his employer.

Application of Act to Reserve Forces.

186.—(1) Where a man of the Naval Reserves, the Army Reserve, the Air Force Reserve or the Territorial Army or the Auxiliary Air Force is being trained and is in receipt of pay out of the moneys provided by Parliament for Navy, Army or Air Services, he shall, for the purposes of this Act, be deemed, whilst so training, to be employed within the meaning of this Act and to be in the sole employment of the Crown:

Provided that this subsection shall not apply to a man who was not, immediately before the training commenced, an insured person, except in such cases and under such circumstances as may be specified in a special order made by the Minister.

(2) The provisions of the preceding subsection shall, subject to such adaptations, modifications or conditions as may be prescribed apply to officers of the reserve forces, as they apply to the men therein mentioned.

Application of Act to aliens.

187. This Act shall, subject as may be prescribed, apply to all persons who are not British subjects in the same manner as it applies to persons who are British subjects.

Application of Act to Scilly Isles.

188.—(1) In this Act references to a county include references to the Scilly Isles, and references to the council of a county include references to the council of those Isles.

(2) The insurance committee for the Scilly Isles shall be constituted in such manner as may be prescribed.

Part IX.

Application of Act to Scotland.

Application of Act to Scotland.

189. The provisions of this Part of this Act shall apply for the purpose of carrying this Act into effect in Scotland, and shall apply to Scotland only.

Functions of Department of Health for Scotland.

190. The Department of Health for Scotland (in this Part of this Act referred to as "the Department"), and the officers, inspectors, referees and servants appointed by the Department shall, subject to the provisions of this Part of this Act, respectively have all the like powers and duties as are, by the provisions of this Act, conferred and imposed on the Minister and the officers, inspectors, referees and servants appointed by him, and references in those provisions to the Minister shall be construed as references to the Department.

Scottish National Health Insurance Fund.

191. All sums received by way of contributions under this Act, in respect of persons resident in Scotland and all sums paid out of moneys provided by Parliament in respect of benefits conferred on such persons, and the expenses of administration of such benefits, shall be paid into a fund called the Scottish National Health Insurance Fund, under the control and management of the Department, and the sums required to meet expenditure properly incurred by approved societies and insurance committees for the purpose of benefits and the administration thereof shall be paid out of that fund, and the provisions of this Act with respect to the National Health Insurance Fund shall, with the necessary modifications, apply to the Scottish National Health Insurance Fund accordingly.

Scottish insurance committees.

192.—(1) The two members of each insurance committee representing medical practitioners shall, instead of being appointed by the local medical committee for the county or burgh, be elected in manner provided by regulations either by any association of medical practitioners resident in the county or burgh which may have been formed for that purpose under the regulations, or, if no such association has been formed, by such practitioners.

(2) No person, except a medical practitioner appointed under paragraph (*d*) of subsection (3) of section

Part IX. —cont. ninety-one of this Act, shall be qualified for appointment as a member of an insurance committee by a county or town council unless he is a member of a local authority within the county under the Public Health (Scotland) Act, 1897, or of the town council, as the case may be, but this requirement shall not apply to women if no women so qualified are available. 60 & 61 Vict. c. 38.

(3) Where owing to sparseness of population, difficulties of communication or other special circumstances, they consider it desirable, an insurance committee shall have power, with the consent of the Department, to modify or suspend any benefits for the administration of which they are responsible, but where such modification or suspension takes place, provision shall be made by the committee, with the like consent, for the increase of other benefits or the grant of one or more additional benefits to an amount equivalent to the value of the modification or suspension.

(4) Section one hundred and eighteen of this Act shall have effect subject to the following modifications:—

(*a*) in addition to the payments to be made under subsection (2) of that section out of the sum applicable as provided by that subsection, there may be paid thereout any expenses of the Department in connection with the provision of a medical service for insured persons in such districts (other than the highlands and islands within the meaning of the Highlands and Islands (Medical Service) Grant Act, 1913) as may be determined by the Department to be necessitous, and references in the said subsection (2) to expenses incurred by the Department shall be construed as including the expenses aforesaid; and 3 & 4 Geo. 5. c. 26.

(*b*) the maximum sums as respects the administration expenses of insurance committees and the expenses of the Department shall be such sums as may respectively be prescribed.

(5) The provisions of this Act relating to the accounts of insurance committees and to the audit of those accounts shall have effect with the substitution of Part II of the Fourth Schedule to this Act for Part I of that Schedule.

Interpretation for purposes of application of Act to Scotland.

193.—(1) In this Act—

(*a*) " county borough " means a burgh containing within its police boundaries according to the census of nineteen hundred and eleven a population of twenty thousand or more, and includes the burgh of Dumfries, and all other burghs shall for the purposes of this Act be included within the county;

(*b*) " borough " means burgh and references to an urban or rural district shall not apply;

(*c*) references to a county and the county council thereof shall as regards the counties of Kinross and Clackmannan, and the counties of Moray and Nairn, be construed in each case as references respectively to a combination of the two recited counties and to a joint committee of the county councils thereof which shall from time to time be appointed subject to the provisions of section seventy-six of the Local Government (Scotland) Act, 1889;

52 & 53 Vict. c. 50.

(*d*) " workhouse " means poorhouse; " workhouse infirmary " means poorhouse hospital or the sick ward of any poorhouse; " coverture " means marriage; and " public elementary school " means state-aided school;

(*e*) for references to the Lord Chancellor and to the Lord Chief Justice of England there shall be substituted references to the Lord President of the Court of Session, and for references to the High Court there shall be substituted references to the Court of Session:

Provided that, in paragraph (i) of the proviso to subsection (1) of section one hundred and sixty-one of this Act, for the reference to a judge of the High Court selected by the Lord Chancellor there shall be substituted a reference to the Court of Session;

(*f*) for references to the Local Loans Act, 1875, there shall be substituted references to the Local Authorities Loans (Scotland) Acts, 1891

Part IX. —*cont.*

to 1924, and for references to the Housing Act, 1936, there shall be substituted references to the Housing (Scotland) Acts, 1925 to 1935;

(*g*) references to the Board of Education shall be construed as references to the Scottish Education Department;

(*h*) any provision with regard to the recovery of a sum or amount summarily as a civil debt shall have effect as if the word "summarily" were omitted therefrom.

(2) Section sixty-three of this Act shall have effect with the substitution for subsection (2) of the following subsection:—

> "(2) In awarding inlying expenses in Scotland in connection with the birth of an illegitimate child, the court shall not take into consideration the fact that the mother of the child is entitled to receive maternity benefit under this Act."

(3) Section seventy-two of this Act shall have effect as if the words "or the birth of a child" were added at the end of paragraph (*a*) of that section.

(4) Section one hundred and sixty-one of this Act shall have effect with the substitution of a reference to a notice for any reference to a summons.

(5) Section one hundred and seventy-two of this Act shall have effect as if the expression "complaint" were substituted for the expression "summons or warrant," and as if subsection (3) were omitted.

(6) Sections one hundred and eighty-one and one hundred and eighty-two of this Act shall have effect with the substitution—

(*a*) of references to the using of diligence for references to the levying of distress or execution;

(*b*) of references to raising an action of removing and to a decree in such an action for references to taking proceedings in ejectment and to a judgment in ejectment respectively;

(*c*) of references to the sheriff for references to the registrar of the county court; and

(*d*) of references to the amount decerned for for references to the amount of the judgment debt.

Part IX. —*cont.*

(7) Section one hundred and eighty-four of this Act shall have effect with the substitution of a reference to a person acting under section seven or section eight of the Public Health (Scotland) Act, 1897, for any reference to a person appointed to hold an inquiry under the Local Government Act, 1933, and a person appointed in terms of section one hundred and eighty-three of this Act to hold an inquiry shall report to the authority appointing him and any further action following on the inquiry which in accordance with the provisions of this Act is to be, or may be, taken by the person making the inquiry shall not be taken by him, but may be taken by that authority after consideration of the report, and the said sections one hundred and eighty-three and one hundred and eighty-four shall be read and construed accordingly.

Expenses and powers of local authorities.

19 & 20 Geo. 5. c. 25.

194.—(1) Expenses incurred under this Act by a county council shall, except in so far as apportioned and allocated by virtue of section twenty-one of the Local Government (Scotland) Act, 1929, to any burgh included within the county, be defrayed in like manner as expenditure for general county purposes.

(2) Expenses incurred under this Act by a town council (other than any contribution payable in pursuance of the aforesaid enactment) shall be defrayed out of the public health general assessment.

Legal proceedings, inquiries and disputes.

195.—(1) Proceedings for any contravention of, or non-compliance with, any of the provisions of this Act may be taken at the instance of the procurator fiscal or of the Department or of an inspector or other officer appointed for the purposes of this Act, and authorised by any special or general directions of the Department to take such proceedings, and any inspector or officer so appointed and authorised may, although not a counsel or solicitor, prosecute or conduct in court any such proceedings.

(2) Where an employer has failed or neglected to pay any contributions which, under this Act, he is liable to pay in respect of a person, the amount which he has so failed or neglected to pay shall be a debt due from the employer to the Department and shall be recoverable by the Department as a civil debt:

Provided that the powers hereby conferred on the Department shall be deemed to be in supplement of and

Part IX. —*cont.*

nowise in restriction of the powers conferred on them or on insured persons by any other provisions of this Act.

(3) It shall not be any objection to the competency of a person to give evidence as a witness in proceedings for an offence under this Act that the proceedings are prosecuted or conducted by him.

(4) Section forty-three of this Act shall have effect as if paragraph (*b*) were omitted therefrom, but regulations made for the purposes of medical benefit may provide that, in the case of any inquiry in Scotland held under Part II of this Act, the Department may make such award as seems to them proper in regard to the expenses of the inquiry and the finding thereon.

(5) Where any appeal or dispute is submitted to the Department under the provisions of this Act relating to disputes, the Department or the referees appointed by them to decide the appeal or dispute, may on the application of either party, at any stage of the proceedings, and shall, if so directed by the Court of Session, state a case on any question of law arising in the appeal or dispute for the opinion of the Court of Session, and the procedure in such stated cases shall, so far as practicable and save as may otherwise be provided by Act of Sederunt in pursuance of section sixteen of the Administration of Justice (Scotland) Act, 1933, be in accordance with the regulations and practice in Scotland prevailing in stated cases under subsection (1) of section forty-nine of the Workmen's Compensation Act, 1925, provided always that the decision of the Court of Session shall be final.

23 & 24 Geo. 5. c. 41.

(6) Subsection (1) of section one hundred and seventy-three, and section one hundred and seventy-five of this Act shall not apply.

County benefit societies.

196. Where a scheme for the establishment under any county council of an approved society for the county has been approved under any enactment repealed by the National Health Insurance Act, 1924, the provisions of the scheme shall have effect notwithstanding anything to the contrary in this Act, and, subject to those provisions, the society shall be an approved society for all the purposes of this Act.

PART X.

APPLICATION OF ACT TO NORTHERN IRELAND.

197. The provisions of this Part of this Act shall apply for the purpose of carrying this Act into effect in Northern Ireland, and shall apply to Northern Ireland only.

Application of Act to Northern Ireland.

198. The Ministry of Labour for Northern Ireland (in this Part of this Act referred to as " the Ministry "), and the officers, inspectors, referees and servants appointed by the Ministry shall, subject to the provisions of this Part of this Act, respectively have all the like powers and duties as are by this Act conferred and imposed on the Minister, and the officers, inspectors, referees and servants appointed by him, and references in this Act to the Minister shall be construed as references to the Ministry.

Ministry of Labour for Northern Ireland.

199.—(1) All sums received in respect of contributions under this Act in respect of persons resident in Northern Ireland and all sums paid out of moneys provided by the Parliament of Northern Ireland in respect of benefits conferred on such persons, and the expenses of administration of such benefits, shall be paid into a fund called " the Northern Ireland National Health Insurance Fund," which shall be under the control and management of the Ministry.

Northern Ireland National Health Insurance Fund.

(2) The sums required to meet expenditure properly incurred for the purposes of such benefits and of the administration thereof shall be paid out of that fund, and the provisions of this Act with respect to the National Health Insurance Fund shall, with the necessary modifications, apply to the Northern Ireland National Health Insurance Fund accordingly.

(3) So much of any payments under subsection (4) of section fifty-five of this Act as is derived from moneys provided by the Parliament of Northern Ireland shall be repaid to the Exchequer of Northern Ireland.

200.—(1) The amounts to be contributed out of moneys provided by Parliament towards the benefits,

Contributions out of

Part X. —*cont.*

moneys provided by Parliament of Northern Ireland for benefits of men of the forces, &c.

including the cost of administration of benefits, of persons who are entitled to benefits (including additional benefits) out of the Navy, Army and Air Force Insurance Fund, or who are members of the Seamen's National Insurance Society, shall in the case of such of those persons as are actually resident in Northern Ireland be paid out of moneys provided by the Parliament of Northern Ireland.

(2) The Joint Committee shall periodically ascertain and inform the Ministry of Finance for Northern Ireland (in this Part of this Act referred to as "the Ministry of Finance") of the amounts due under this section to the Navy, Army and Air Force Insurance Fund and the Seamen's National Insurance Society respectively.

(3) For the purposes of this section, a man of the forces who was immediately before his entry or enlistment resident in Northern Ireland shall, notwithstanding any other provision of this Act, be deemed to be resident in Northern Ireland.

Contributions out of moneys provided by Parliament of Northern Ireland to Unemployment Arrears Fund.

201.—(1) The sum to be paid into the Unemployment Arrears Fund out of moneys provided by Parliament shall in the case of Northern Ireland be paid out of moneys provided by the Parliament of Northern Ireland and shall be a sum equal to the total sum retained by the Ministry in accordance with the provisions of paragraph (*b*) of subsection (1) of section one hundred and forty-four of this Act out of the weekly contributions paid by or in respect of insured persons resident in Northern Ireland who are members of an approved society, of the Deposit Contributors' Insurance Section or of the Navy, Army and Air Force Insurance Fund:

Provided that any sums standing at any time in the Northern Ireland National Health Insurance Fund to the credit of the Exempt Persons Fund established in accordance with regulations made by the Joint Committee and the Ministry shall be paid into the Unemployment Arrears Fund in such amounts and at such times as the Ministry of Finance may direct, and the sums payable into the last mentioned Fund out of moneys provided by the Parliament of Northern Ireland shall be correspondingly reduced.

(2) All sums credited to approved societies or branches of approved societies in Northern Ireland out of the Unemployment Arrears Fund shall be deemed to have been derived from contributions made in respect of contributors, notwithstanding that they are derived in part from moneys provided by Parliament.

(3) The proviso to subsection (2) of section one hundred and fifty-seven shall not apply.

Accounts of Northern Ireland National Health Insurance Fund to be laid before Parliament, &c.

202. Accounts of the Northern Ireland National Health Insurance Fund shall be prepared in such form and in such manner and at such times as the Ministry of Finance may direct, and the Comptroller and Auditor-General for Northern Ireland shall examine and certify every such account and shall lay copies thereof, together with his report thereon, before both Houses of the Parliament of Northern Ireland.

Powers of Ministry with respect to stamps, &c.

203.—(1) The powers and duties of the Commissioners of Inland Revenue with reference to the granting of allowances for or the repurchase of stamps issued for the purposes of this Act, shall be exercised and performed by the Ministry.

(2) The following section shall be substituted for section twenty-two:—

> "22. Stamps required for the purposes of this Act shall be prepared and issued in such manner as the Ministry, with the consent of the Ministry of Finance, may direct, and the Ministry may make regulations applying, with the necessary adaptations as respects any such stamps, all or any of the provisions, including penal provisions, of the Stamp Duties Management Act, 1891, as amended by or in pursuance of any subsequent enactment, and section sixty-five of the Post Office Act, 1908:
>
> Provided that nothing in the foregoing provision shall prejudice the making of any arrangement under section sixty-three of the Government of Ireland Act, 1920, for the exercise and performance by the Postmaster-General and his officers on behalf of the Ministry of the powers and duties of the Ministry under this section."

10 & 11 Geo. 5. c. 67.

Part X. —*cont.*

Approval and laying before Parliament of regulations, &c.

204.—(1) Where under this Act the approval or consent of the Treasury is required to any regulations, orders or schemes made or to be made by the Joint Committee, the approval or consent of the Ministry of Finance to the regulations, orders or schemes shall also be required in so far as the regulations, orders or schemes relate to matters in respect of which the Parliament of Northern Ireland has power to make laws.

(2) Any provision of this Act requiring regulations or orders made by the Joint Committee to be laid before Parliament shall be construed as requiring any such regulations or orders which apply to Northern Ireland and relate to matters in respect of which the Parliament of Northern Ireland has power to make laws to be laid also before that Parliament for any statutory period prescribed by Act of that Parliament, and shall have effect accordingly:

Provided that no action taken under any such provision of this Act in Northern Ireland with respect to any such orders or regulations shall affect the operation thereof in any other part of the United Kingdom, and no action taken under any such provision in the United Kingdom, exclusive of Northern Ireland, with respect to any such orders or regulations shall affect the operation thereof in Northern Ireland.

(3) The reference in subsection (2) of section one hundred and sixty-seven to twenty-one days, and the reference in subsection (6) of section one hundred and sixty-eight to thirty days, shall in each case be construed as a reference to any statutory period prescribed by Act of the Parliament of Northern Ireland.

Certain provisions not to apply.

205.—(1) The provisions of this Act with respect to insurance committees shall not extend to Northern Ireland, and accordingly sections ninety-one to ninety-seven, section one hundred, and sections one hundred and seventeen to one hundred and twenty shall not apply, and references to insurance committees in any other sections of this Act shall, subject to the provisions of this section, be construed as references to the Ministry.

(2) Subsection (2) of section fifty-eight shall have effect as though the words " and insurance committee "

were omitted therefrom and as though, after the word "Ministry" there were inserted the words "and the "Ministry shall make rules in relation to benefits administered by it"; subsection (1) of section sixty-four shall have effect as though for the words "an insurance committee with the approval of the Minister" there were substituted the words "the Ministry in relation to benefits administered by it"; section seventy shall have effect as though the words "or an insurance committee" were omitted therefrom; section one hundred and forty-nine shall have effect as though for the words "credited to insurance committees" there were substituted the words "credited to the medical benefit account and to the Ministry"; and subsection (2) of section one hundred and sixty-three shall have effect as though paragraphs (*a*), (*c*) and (*d*) were omitted therefrom and as though the words "by any such society" were substituted for the words "by any such person, society, or insurance committee."

(3) Subsections (2) and (3) of section thirteen (which relate to the application of additional moneys provided by Parliament for the purpose of medical benefit) and sections one hundred and eighty-three and one hundred and eighty-four (which relate to inquiries into causes of excessive sickness) shall not apply.

(4) Section one hundred and sixty-four (which relates to the exercise of judicial powers by the Minister) shall not apply.

Provisions with respect to approved societies.

206.—(1) The following subsection shall be added to section eighty-two :—

> "(4) Every approved society and branch of an approved society in Northern Ireland shall, at any reasonable time, furnish to the Ministry all such information concerning the administration of the society or branch as the Ministry may require, and produce, when called upon to do so, all books and records of the society or branch to officers of the Ministry authorised for that purpose in writing."

(2) The reference in subsection (1) of section one hundred and two to the Fourth Schedule shall be construed as a reference to Part I of that Schedule.

Part X. —*cont.*

Schemes for sick visiting.

207.—(1) A scheme for the visiting of sick or disabled insured persons, to be available for use by approved societies, may be put into operation under this Act, and the Ministry may frame a scheme for that purpose:

Provided that no scheme framed by the Ministry shall come into operation if a scheme framed by approved societies, and approved by the Ministry as being adequate and effective, is first put into operation and is maintained.

(2) Regulations may be made providing for any expenses incurred in the maintenance of a scheme for the visiting of sick or disabled insured persons, approved or framed by the Ministry, in excess of the amount received by way of fees charged for specific visits made at the request of approved societies, to be treated as part of the administration expenses of approved societies, and for the application out of the administration accounts of such societies of such sum as the regulations may prescribe to meet the expenses incurred as aforesaid, but not exceeding fourpence per year in respect of each of the total number, calculated in the prescribed manner, of the members of approved societies resident in Northern Ireland.

(3) There shall be paid out of moneys provided by the Parliament of Northern Ireland all such expenses as may be incurred by the Ministry in the administration of a scheme framed and put into operation by the Ministry under this section; and any fees charged for specific visits in pursuance of such a scheme, and any sums to be applied in connection therewith out of the administration accounts of approved societies, shall be appropriated in aid of the moneys provided for the said expenses.

Provisions with respect to legal proceedings.

208.—(1) Any contributions which an employer has failed or neglected to pay in respect of a person may, without prejudice to any other remedy, be recovered by the Ministry summarily as a civil debt, or in the county court by civil bill at the suit of the Ministry.

(2) Any sum which an employee is entitled to recover by reason of his employer's non-compliance with the provisions of this Act or with any regulations made

thereunder may be recovered summarily, or in the county court by civil bill, as a debt due from the employer.

(3) In subsection (2) of section one hundred and seventy-three the words "and proceedings for the "recovery of the said sums summarily as a civil debt "may be commenced at any time within twelve months "from the date of the order for payment made on the "company" shall not extend in Northern Ireland to proceedings under that section against the directors of a company in the case of a sum ordered to be paid to the Ministry under subsection (2) of section one hundred and seventy-two.

Priority of contributions in cases of winding up and bankruptcy.

209. The following section shall be substituted for section one hundred and seventy-seven:—

> "177.—(1) Amounts due from a company in respect of contributions payable under this Act shall be paid, subject to and in accordance with the provisions of sections seventy-six and two hundred and thirty-four of the Companies Act (Northern Ireland), 1932, in priority to other debts of the company.
>
> (2) Amounts due in respect of contributions payable under this Act by a bankrupt, arranging debtor, or person dying insolvent shall be paid, subject to and in accordance with the provisions of section one of the Preferential Payments in Bankruptcy Act (Northern Ireland), 1933, in priority to other debts of such bankrupt, debtor or person."

Provisions with respect to excepted employments.

210.—(1) The following words shall be added at the end of paragraph (*c*) of Part II of the First Schedule to this Act:—

> "or in Northern Ireland is entitled to rights in any such superannuation fund or in any railway superannuation fund which may be approved by the Ministry of Labour for Northern Ireland".

(2) The following paragraphs shall be included in Part II of the First Schedule to this Act:—

> "(*ff*) Employment in Northern Ireland as a teacher to whom a scheme under the Education Act (Northern Ireland), 1923, as amended by the Teachers Superannuation Act (Northern

PART X. —*cont.*

Ireland), 1926, applies, or as a pupil or student teacher in a public elementary school."

"(*nn*) Employment in Northern Ireland as an outworker where the wages or other remuneration derived from the employment are not the principal means of livelihood of the person employed."

(3) In paragraph (*h*) of Part II of the First Schedule to this Act the expression "Board of Education" shall be construed as a reference to the Ministry of Education for Northern Ireland.

Medical Benefit in Northern Ireland.

Medical benefit in Northern Ireland.

211.—(1) Medical benefit in Northern Ireland shall be administered by the Ministry instead of by insurance committees.

(2) The following subsection shall be substituted for subsection (3) of section thirty-four:—

> "(3) Subject to the consent of the Ministry of Finance, provision may be made by regulations for applying any moneys received from the Minister of Pensions so that any person to whom this subsection applies shall, subject to the prescribed conditions, become or continue to be entitled to medical benefit as if he were an insured person and entitled to such benefit.
>
> "This subsection applies to any person not being an insured person entitled to medical benefit, and being a man of the forces (within the meaning of section one hundred and twenty-nine of this Act) discharged from service as such during, or within the prescribed period after the termination of, the late war and certified by the Minister of Pensions to be suffering from any disease or bodily or mental disablement attributable to or aggravated by service in the said war."

Provisions as to cost of medical benefit and administration expenses.

212.—(1) There shall, out of the funds out of which benefits in Northern Ireland are payable under this Act, be credited to a separate account (called "the Medical Benefit Account") in the Northern Ireland National Health Insurance Fund for the purpose of meeting the cost of medical benefit, and to the Ministry for the purpose of meeting the expenses incurred by the Ministry in the administration of benefits, such sums as may be prescribed, but not exceeding in the aggregate the amount of thirteen shillings per year in respect of each of the total number, calculated in the prescribed manner, of the persons who are entitled to medical benefit as being or having been members of an approved society :

Provided that, where it is not practicable to ascertain the said total number before the expiration of any year, the Ministry may make a provisional calculation in respect of that year, and the difference between the sum so calculated and the sum as finally ascertained shall, as the case may require, be added to or deducted from the amount in respect of a subsequent year.

(2) Sums to be credited under this section shall be so credited in accordance with regulations to be made with the approval of the Ministry of Finance, and any such regulations so made may make special provision as to the sum to be credited on account of the cost of the medical benefit of, and otherwise with respect to, members of an approved society who are persons employed as masters or seamen serving on foreign-going ships.

Provisions with respect to medical benefit.

213.—(1) The following sections shall be substituted for sections thirty-five, thirty-six, thirty-seven, thirty-nine, forty, forty-one, forty-two and forty-three, respectively:—

> " 35.—(1) The Ministry shall, for the purpose of administering medical benefit, make arrangements with medical practitioners in accordance with regulations.
>
> (2) Provision shall be made by regulations for the arrangements under this section being such as to secure that insured persons shall, subject to the provisions of this Act, receive adequate medical treatment and attendance from the medical practitioner with whom arrangements are so made, and shall secure—
>
> (*a*) the preparation and publication from time to time of a list of medical practitioners agreeing to attend and treat insured persons;

Part X. —*cont.*

(*b*) a right on the part of any medical practitioner resident in Northern Ireland, who is desirous of being included in the said list, of being so included;

(*c*) a right on the part of any insured person of selecting at such periods as may be prescribed, from the said list, the medical practitioner by whom he wishes to be attended and treated, and, subject to the consent of the practitioner so consulted, of being attended and treated by him;

(*d*) the distribution among the several medical practitioners whose names are on the said list, so far as practicable under arrangements made by them, of the insured persons who, after due notice, have failed to make any selection, or who have been refused by the practitioner whom they have selected.

"36. If the Ministry, after such inquiry as may be prescribed, is satisfied that the continued inclusion in the list of any medical practitioner would be prejudicial to the efficiency of the medical service of the insured, the Ministry may remove his name from the list.

"37.—(1) If the Ministry is satisfied, after inquiry, that the medical practitioners included in the list are not such as to secure an adequate medical service in any area, the Ministry, after consultation with the Ministry of Home Affairs, may make such arrangements as it thinks fit, or may suspend the right to medical benefit in respect of any insured persons in the area for such period as it thinks fit, and pay to each such person a sum bearing the same proportion to such sum as may be specified by the Ministry as representing the annual cost at the time of medical treatment and attendance as that period bears to a whole year.

(2) If the Ministry is satisfied that the insured persons, or any considerable proportion of the insured persons within any area are not receiving

satisfactory medical treatment, the Ministry, after consultation with the Ministry of Home Affairs, may make such other arrangements as will secure to insured persons within that area such better medical service as is practicable, having regard to the funds available for the purpose, or arrangements whereunder insured persons within that area may be required to make their own arrangements for receiving medical treatment and attendance, and whereunder the Ministry undertakes to pay the cost of that medical treatment and attendance upon such scale as the Ministry may determine.

Part X. —*cont.*

"39. The Ministry shall make arrangements for the supply of proper and sufficient drugs and medicines and prescribed appliances to insured persons in accordance with regulations, and the regulations made for the purposes of this section shall provide for the arrangements made being such as to enable insured persons to obtain such drugs, medicines and appliances, if ordered by the medical practitioner by whom the insured persons are attended, from any persons with whom arrangements have been made, and shall provide for the adoption of such a system as will secure—

(*a*) the preparation and publication from time to time of a list of persons agreeing to supply drugs, medicines and appliances to insured persons according to such scale of prices as may be fixed by the Ministry;

(*b*) a right on the part of any person resident in Northern Ireland, who is desirous of being included in the said list, of being so included, for the purpose of supplying such drugs, medicines and appliances as that person is entitled by law and authorised by the Ministry to supply, except in cases where the Ministry, after inquiry, is satisfied that the inclusion or continuance of that person in the list would be prejudicial to the efficiency of the service.

"40. If the Ministry is satisfied as respects any area that the persons included in the list are

Part X. —*cont.*

not such as to secure an adequate and convenient supply of drugs, medicines and appliances in that area, the Ministry may dispense with the necessity for the adoption of such system as aforesaid as respects that area, and may make such other arrangements as it thinks fit.

"41.—(1) Except as may be provided by regulations, no arrangement shall be made with a medical practitioner under which he is bound or agrees to supply drugs or medicine to any insured person.

(2) Subject to the provisions of the last preceding subsection, the regulations shall prohibit arrangements for the supply of drugs and medicines being made with persons other than persons who are entitled to carry on the business of a pharmaceutical chemist under the provisions of the Pharmacy and Poisons Act (Northern Ireland), 1925, and who undertake that all medicines supplied by them to insured persons shall be dispensed either by or under the direct supervision of a pharmaceutical chemist registered under the said Act.

"42. Where the name of any medical practitioner or person undertaking the supply of drugs, medicines or appliances has been removed under the provisions of this Act from any list in Great Britain, then, until such time as the Ministry directs to the contrary, that practitioner or person shall be disqualified for inclusion in the list of medical practitioners or persons undertaking such supply as aforesaid in Northern Ireland.

"43. Provision for any of the following matters may be included in regulations made for the purposes of medical benefit in Northern Ireland :—

(*a*) the issue of certificates for the purposes of this Act by medical practitioners under agreement with the Ministry;

(*b*) the procedure and costs of inquiries relating to the inclusion in, or removal from, the list of any medical practitioner or person undertaking the supply of drugs, medicines or appliances, and the application thereto, subject to such modifications as may be prescribed, of the provisions of the Poor Relief Acts (Northern Ireland), 1838 to 1928, relating to the holding of inquiries, the attendance and examination of witnesses and the production and inspection of documents;

(*c*) the procedure on any appeal to the Ministry against a decision given under the regulations, and the application to any such appeal, subject to such modifications as may be prescribed, of any of the provisions of the Common Law Procedure Amendment Act (Ireland), 1856, with respect to arbitration."

19 & 20 Vict. c. 102.

(2) Section thirty-eight and the references in the Fifth Schedule to subsection (3) of section thirteen and to paragraph (*a*) of section forty-three shall not apply.

Medical Benefit Council and local committees.

214.—(1) There shall be established a medical benefit council for Northern Ireland (in this Act referred to as "the Medical Benefit Council") consisting of such number of members as may be prescribed, but not less than twenty or more than forty, of whom—

(*a*) one-fourth shall be appointed in such manner as may be prescribed so as to secure representation of—

(i) the insured persons in Northern Ireland who are members of approved societies, and

(ii) the insured persons in Northern Ireland who are deposit contributors,

in proportion, as nearly as may be, to their respective numbers;

(*b*) one-fourth shall be appointed in such manner as may be prescribed so as to secure representation of the employers of insured persons in Northern Ireland;

Part X. —*cont.*

(*c*) one-fourth shall be appointed in such manner as may be prescribed so as to secure representation of the medical practitioners, and persons undertaking the supply of drugs, medicines and appliances, who are included in the respective lists prepared under sections thirty-five and thirty-nine of this Act;

(*d*) the remaining members shall be appointed by the Minister of Labour for Northern Ireland.

(2) The Medical Benefit Council shall have the following powers and duties:—

(*a*) they shall give general advice to the Ministry with respect to the administration of medical benefit;

(*b*) they shall have such powers and duties in relation to complaints by insured persons, medical practitioners, and approved societies, in connection with medical benefit as may be prescribed;

(*c*) they shall have such other powers and duties in connection with the administration of medical benefit as may be prescribed.

(3) Provision may be made by regulations with respect to the appointment, quorum, term of office and rotation of members and the proceedings generally of the Medical Benefit Council, including the appointment of sub-committees consisting wholly or partly of members of the Council.

(4) The Minister of Labour for Northern Ireland shall appoint a person to act as secretary to the Medical Benefit Council.

(5) Provision may be made by regulations for the establishment, in such areas as may be determined by the Minister of Labour for Northern Ireland, of local committees having such powers and duties in relation to complaints by insured persons, medical practitioners, and approved societies, in connection with medical benefit, and such other powers and duties, as may be prescribed.

(6) Any expenses incurred, with the approval of the Ministry, by the Medical Benefit Council, or a local committee established under this section, for the purpose of their powers and duties shall be treated as expenses incurred by the Ministry in the administration of benefits.

Travelling expenses, &c., of members of Medical Benefit Council.

215. The Ministry may pay to the members of the Medical Benefit Council, and of any local committees established and having powers and duties in relation to complaints in connection with medical benefit, travelling expenses, subsistence allowance and compensation for loss of remunerative time in accordance with a scheme to be framed by the Ministry, with the consent of the Ministry of Finance, and any sums so paid shall be treated as expenses incurred by the Ministry in the administration of benefits.

Insurance practitioners' committees.

216. The following section shall be substituted for section ninety-eight :—

> " 98.—(1) Where under this Act or for the purpose of any regulations the Ministry is required to ascertain, in respect of any matter affecting the administration of medical benefit in Northern Ireland, the opinions and wishes of the medical practitioners who have entered into agreements for attendance on and the treatment of insured persons, the Ministry shall do so through a committee appointed by those practitioners in accordance with regulations (in this Act referred to as 'the central insurance practitioners' committee').
>
> (2) There shall, in accordance with regulations, be constituted for each prescribed area in Northern Ireland, from among the medical practitioners who have entered into agreements for attendance on and the treatment of insured persons in such area, a local committee (in this Act referred to as 'the local insurance practitioners' committee').
>
> (3) The respective powers and duties of the central insurance practitioners' committee and local insurance practitioners' committee shall be such as may be determined by the Ministry."

Local pharmaceutical committees.

217. The following section shall be substituted for section ninety-nine :—

> " 99. There shall, in accordance with regulations, be constituted for each prescribed area in Northern Ireland from among the persons who have agreed to supply drugs, medicines and appliances to insured persons in such area, a local committee (in this Act referred to as 'the local pharmaceutical committee'), and the local pharmaceutical committee shall, subject to regulations, be consulted by the Ministry on all local questions affecting the supply of drugs, medicines and appliances to insured persons, and shall perform such duties and exercise such powers as may be determined by the Ministry."

Benefits and poor relief.

218.—(1) The obligations of the guardians of a poor law union or officer or other person with respect to the medical relief of the poor under the Poor Relief Acts (Northern Ireland), 1838 to 1928, shall not apply in the case of any insured person to the extent to which that person is entitled to medical benefit.

(2) In granting outdoor relief to a person in receipt of or entitled to receive any benefit, a board of guardians shall not take into consideration any such benefit except so far as the benefit exceeds seven shillings and sixpence a week.

Amendment of law with respect to sales of poisons on medical prescriptions.

33 & 34 Vict. c. 26.

219. Where any poison, to which section two of the Poisons (Ireland) Act, 1870 (as amended by subsequent enactments) applies, is supplied on and in accordance with a written prescription given by a medical practitioner under and in accordance with the provisions of this Act, the seller of the poison shall not be required to make any entry in the book in accordance with the requirements of the said section.

Saving for certain dispensary medical officers.

220. Notwithstanding the repeal of section seven of the National Health Insurance Act (Northern Ireland), 1930, the provisions of that section shall continue to apply in the case of any medical practitioner who was appointed as medical officer of any dispensary district under the Poor Relief Acts (Northern Ireland), 1838 to 1928, on or before the first day of October, nineteen hundred and thirty.

General.

Part X. —*cont.*

Interpretation for purposes of application of Act to Northern Ireland.

221.—(1) In this Act, unless the context otherwise requires—

(*a*) references to enactments of the Parliament of the United Kingdom shall be construed as references to those enactments as they apply in Northern Ireland;

(*b*) references to Parliament shall, if they occur in relation to matters in respect of which the Parliament of Northern Ireland has power to make laws, be construed as references to that Parliament, and references to any department or authority of the Government of the United Kingdom shall be construed as references to the department or authority exercising corresponding functions in Northern Ireland;

(*c*) references to the Lord Chancellor and to the Lord Chief Justice of England shall be construed as references to the Lord Chief Justice of Northern Ireland;

(*d*) references to justices or to the registrar of the county court shall be construed as references to a resident magistrate within the meaning of the Summary Jurisdiction and Criminal Justice Act (Northern Ireland), 1935;

(*e*) the reference to the Bastardy Law Amendment Act, 1872, shall be construed as a reference to the Illegitimate Children (Affiliation Orders) Act (Northern Ireland), 1924;

(*f*) references to the Government Actuary shall be construed as references to the Actuary appointed by the Minister of Finance;

(*g*) the reference to securities which are for the time being authorised by Parliament as investments for savings banks funds shall be construed as including securities issued in respect of any loan raised by the Government of Northern Ireland or guaranteed by the Ministry of Finance under the authority of an Act of Parliament;

Part X. —*cont.*

(*h*) references to the Arbitration Acts, 1889 to 1934, as amended by any subsequent enactment, shall be construed as references to the provisions of the Common Law Procedure Amendment Act (Ireland), 1856, with respect to arbitration;

(*i*) references to societies registered under the Friendly Societies Acts, 1896 to 1929, under the Trade Union Acts, 1871 to 1927, or under the Industrial and Provident Societies Acts, 1893 to 1928, shall be construed as references to societies registered under the corresponding enactments applying in Northern Ireland;

(*j*) the matters to be prescribed under subsection (1) of section one hundred and eighty shall be prescribed by the Ministry of Finance;

(*k*) references to the National Debt Commissioners shall be construed as references to the Ministry of Finance, but nothing in this provision shall prejudice the power of the Ministry of Finance to make arrangements under section sixty-three of the Government of Ireland Act, 1920, with the National Debt Commissioners for the exercise by the Commissioners on behalf of the Ministry of Finance of such powers of that Ministry under this Act as are exercisable by the Commissioners outside Northern Ireland;

(*l*) references to the Contributory Pensions Act and to any provisions of that Act shall be construed as references to the Widows', Orphans' and Old Age Contributory Pensions Acts (Northern Ireland), 1925 to 1935, and to the corresponding provisions of those Acts;

(*m*) the reference to the powers of the Minister of Labour under section thirteen of the Unemployment Insurance Act, 1935, shall be construed as a reference to the powers of the Ministry under the corresponding enactments in Northern Ireland;

(*n*) the reference in subsection (4) of section three to Great Britain shall be construed as a reference to Northern Ireland;

(*o*) the reference in paragraph (*a*) of subsection (5) of section three to a person entitled to medical benefit by reason of having been an exempt person shall be construed as a reference to a person who, having been an exempt person, had not before he became insured as an employed contributor completed the prescribed period since ceasing to be an exempt person;

(*p*) paragraph (*b*) of subsection (5) of section three and subsection (1) of section one hundred and twenty-one shall be construed as including, in each case, a reference to employment under a local or other public authority excluded by virtue of the provisions of paragraph (*d*) of Part I of the First Schedule, being employment of a class which, by a special order made under the enactments relating to contributory pensions, has been declared to be an excepted employment to which those enactments apply;

(*q*) the reference in subsection (1) of section one hundred and fifty to changes in the financial basis of the national health insurance scheme effected by the National Health Insurance Act, 1926, shall be construed as a reference to changes in the basis of the scheme effected by the National Health Insurance Acts (Northern Ireland), 1926 and 1930.

(2) In the event of any Act being passed by the Parliament of Northern Ireland repealing and re-enacting with or without amendment—

(*a*) provisions of the Common Law Procedure Amendment Act (Ireland), 1856, with respect to arbitration; or

(*b*) provisions of the Widows', Orphans and Old Age Contributory Pensions Acts (Northern Ireland), 1925 to 1935, corresponding to any

PART X. —*cont.*

provisions of the Contributory Pensions Act; or

(*c*) provisions corresponding to any provisions of the Unemployment Insurance Act, 1935;

then, as from the commencement of the said Act of the Parliament of Northern Ireland, a reference in this Part of this Act to any provisions which are repealed and re-enacted as aforesaid shall be construed as a reference to so much of the said Act of the Parliament of Northern Ireland as repeals and re-enacts the last-mentioned provisions.

Saving for powers of Parliament of Northern Ireland.

222. For the purpose of section six of the Government of Ireland Act, 1920, this Act shall be deemed to be an Act passed before the appointed day.

PART XI.

APPLICATION OF ACT TO WALES.

Welsh National Health Insurance Fund.

223. Subject to the provisions of this Act all sums received by way of contributions under this Act in respect of persons resident in Wales, and all sums paid out of moneys provided by Parliament in respect of benefits for persons so resident, and the expenses of the administration of those benefits shall be paid into a fund to be called "the Welsh National Health Insurance Fund," under the control and management of the Minister, and the provisions of this Act with respect to the National Health Insurance Fund, shall, with the necessary modifications, apply to the Welsh National Health Insurance Fund.

Additional expenditure on medical benefit in Wales.

224. For the purpose of meeting any additional expenditure which may be incurred in the provision of medical benefit in Wales by reason of sparsity of population or difficulty of means of communication, provision may be made by regulations for the payment out of the National Health Insurance Fund to the Welsh National Health Insurance Fund of such sum as may be prescribed.

Saving for Welsh Board of Health. 9 & 10 Geo. 5. c. 21.

225. Nothing in this Act shall affect the power of the Minister under section five of the Ministry of Health Act, 1919, to exercise and perform any of his powers and duties in Wales through the Welsh Board of Health.

PART XII.

INTERPRETATION, SAVINGS AND REPEAL.

Interpretation.

226.—(1) In this Act, unless the context otherwise requires—

"Branch" in relation to a society, shall not include any branch of the society which is not itself separately registered:

Provided that the Minister may, if he thinks fit so to do and subject to such conditions as he may prescribe, recognise for the purposes of this Act any branch of an approved society though the branch is not separately registered as a branch of the society:

"Charitable institution" means any charitable institution which the Minister is satisfied is ordinarily and to a substantial extent supported from sources other than public funds and payments out of funds of approved societies under this Act; and "approved charitable institution" means a charitable institution as so defined which is approved by the Minister for the purposes of this Act:

"Committee of management" in relation to an approved society or branch, includes the governing body of the society or branch by whatever name known:

"Contribution week" means the period of seven days commencing from the midnight between Sunday and Monday:

"Contribution half-year" means one of the following periods, that is to say, a period of twenty-six weeks commencing on the first Monday in any year, or a period commencing on the twenty-seventh Monday in any year and terminating on the day preceding the first Monday in the next year:

"Contribution year" means a period consisting of two consecutive contribution half-years and commencing on the twenty-seventh Monday in any year:

" County " means administrative county :

" Dependants " in relation to any person, includes such persons as the approved society or insurance committee ascertain to be wholly or in part dependent upon his earnings :

" Disease or disablement " means such disease or disablement as would entitle an insured person to sickness or disablement benefit :

" Government Actuary " includes the Deputy Government Actuary :

" Medical practitioner " means a registered medical practitioner :

" Medical treatment and attendance " includes the provision of proper and sufficient medicines (including such chemical re-agents as may be prescribed) and of the prescribed medical and surgical appliances, but does not include treatment or attendance in respect of a confinement :

" Membership of an approved society " means membership for the purposes of this Act :

" National area " means England, Scotland, Northern Ireland or Wales :

" Officer of the reserve forces " means an officer on the retired or emergency lists of the Royal Navy or the Royal Marines, a retired officer of the Regular Army, an officer on the retired list of the Royal Air Force, or an officer of the naval reserves, the regular army reserve of officers, the supplementary reserve of officers, the air force reserve, the air force special reserve, the territorial army, the territorial army reserve of officers, the auxiliary air force, or the auxiliary air force reserve, or an officer holding a temporary commission in the naval, marine, land or air forces, or an officer holding a temporary warrant in the Royal Navy, the Royal Marines, or the naval reserves :

" Prescribed " means prescribed by regulations :

" Regulations " means regulations made by the Minister under this Act :

Part XII. —*cont.*

"Special order" means an order made by the Minister in accordance with the provisions of this Act relating to special orders:

"The Minister" means the Minister of Health:

"Valuer" means a person possessing such actuarial qualifications as may be approved by the Treasury:

"Workmen's Compensation Acts" means the Workmen's Compensation Act, 1906, the Workmen's Compensation Acts, 1925 to 1931, and the Workmen's Compensation Acts (Northern Ireland), 1927 and 1931. 6 Edw. 7. c. 58.

(2) A person shall not be treated as available for but unable to obtain employment within the meaning of this Act while he is following any occupation from which he derives substantial remuneration or profit:

Provided that, if he is insured under the enactments for the time being in force with respect to unemployment insurance, he may be treated as available for but unable to obtain employment within the meaning of this Act while he is following any occupation the following of which does not prevent him from being deemed to be unemployed for the purposes of those enactments.

(3) In the provisions of this Act relating to the mercantile marine, unless the context otherwise requires—

(*a*) Expressions have the same meaning as in the Merchant Shipping Acts, 1894 to 1932, except that the expressions "foreign-going ship" and "home-trade ship" include a ship engaged in the sea fishing service, and the expression "foreign-going ship" includes a ship engaged in regular trade on foreign stations;

(*b*) The expression "ship engaged in regular trade on foreign stations" means a ship engaged regularly in trade between ports outside the British Islands exclusive of the Irish Free State when trading between such ports, but for the purposes of this provision a ship shall not be deemed not to be engaged in such a trade by reason only that she has put into a port in the United Kingdom for the purpose of survey or repair;

(*c*) The expression "sea service" includes the sea fishing service;

(*d*) The expression "seaman" includes an apprentice to the sea service.

(4) For the purposes of this Act—

(*a*) Monmouthshire shall be deemed to form part of Wales;

(*b*) a person shall be deemed according to the law in England, Wales and Northern Ireland, as well as according to the law in Scotland, not to have attained the age of seventeen until the commencement of the seventeenth anniversary of the day of his birth, and similarly with respect to other ages.

Transitory and expiring provisions.

227.—(1) Nothing in this Act shall affect the right of any person to be a voluntary contributor who was on the first day of January, nineteen hundred and twenty-five, by virtue of any of the enactments repealed by the National Health Insurance Act, 1924, entitled to be a voluntary contributor under those enactments and who has since that date continued to be an insured person.

(2) Where under any of the enactments repealed by this Act any person was entitled, on giving notice within a prescribed time, to continue to be or to become a voluntary contributor, and the time prescribed has expired before the commencement of this Act without any such notice being given, nothing in this Act shall affect the power of the Minister to make regulations extending or varying the time so prescribed.

(3) For the purposes of paragraph (*b*) of subsection (5) of section three of this Act, the number of weeks for which contributions under the Contributory Pensions Act were payable in respect of a person employed in the excepted employment mentioned in that paragraph includes the number of weeks for which contributions under that Act would have been payable if that Act had been in force during his employment in the excepted employment to which that paragraph applies.

Part XII. —*cont.*

(4) For the purposes of subsection (2) of section nineteen, and of the proviso to subsection (1) of section twenty, of this Act, a period before the first day of January, nineteen hundred and twenty-nine, during which a person was entitled to medical benefit, or, in Northern Ireland, sanatorium benefit, and was, by virtue of subsection (2) of section two of the Widows', Orphans' and Old Age Contributory Pensions Act, 1925, deemed to have continued to be insured for the purposes of that Act, shall be treated as a period of insurance.

15 & 16 Geo. 5. c. 70.

(5) Subsection (2) of section forty-seven of this Act shall apply in relation to benefit in respect of any week before the second day of August, nineteen hundred and thirty-five, as if for the words " within three months of the end of the week " there were substituted the words " within three months of the second day of August, nineteen hundred and thirty-five."

(6) Subsections (2) and (3) of section fifty-five of this Act shall in the case of a person who was an inmate of an institution on the seventh day of January, nineteen hundred and twenty-nine, be construed as if for the words " fifty pounds " there were substituted the words " such sum as may be prescribed."

(7) Subsection (3) of section fifty-seven of this Act shall, in the case of a person who entered into insurance before the seventh day of February, nineteen hundred and eighteen, have effect as though for forty-two weekly contributions there were substituted twenty-six weekly contributions, or, if he is a voluntary contributor, fifty-two weekly contributions.

(8) In determining for the purposes of subsection (2) of section one hundred and twenty-one of this Act whether a person has been employed in an excepted employment to which that subsection applies, employment in Ireland before the first day of April, nineteen hundred and twenty-two, in respect of which a certificate was given under paragraph (*b*) or paragraph (*c*) of Part II of the First Schedule to the National Insurance Act, 1911, shall be treated as if it had been employment in Great Britain or in Northern Ireland.

(9) References in paragraph (*b*) of subsection (5) of section three and in subsection (4) of section one hundred and twenty-one of this Act to paragraph (*k*)

Part XII. —*cont.* of Part II of the First Schedule to this Act shall, so far as the said paragraph (*b*) and the said subsection (4) apply to any period before the thirtieth day of June, nineteen hundred and nineteen, be construed as if in the said paragraph (*k*) the words "one hundred and sixty pounds a year" were substituted for the words "two hundred and fifty pounds a year."

(10) Notwithstanding anything in this Act, a married woman who, having been on the first day of July, nineteen hundred and eighteen, a special voluntary contributor, was on that date in receipt of sickness or disablement benefit and who by reason of the continuance of the incapacity was in receipt of sickness or disablement benefit at the commencement of this Act, shall continue to be entitled to sickness or disablement benefit so long as the incapacity continues, and shall, on the expiration of a period of eight weeks commencing next after the date on which incapacity ceases, be entitled to receive by way of benefit the sum of forty shillings.

(11) Notwithstanding anything in this Act, no sum shall be credited to an approved society out of the Unemployment Arrears Fund in respect of the arrears of contributions of any member of the society which accrued while he was treated as insured under subsection (5A) of section three of the National Health Insurance Act, 1924.

Repeal. **228.** The enactments set out in the Sixth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule:

Provided that, without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889,— 52 & 53 Vict. c. 63.

(*a*) nothing in this repeal shall affect any order, rule, regulation, arrangement, or scheme made, certificate issued, notice, decision, direction or approval given, or thing done, under any enactment repealed by this Act, and every such order, rule, regulation, arrangement, scheme, certificate, notice, decision, direction or approval shall continue in or come into force, and, shall, so far as it could have been made, issued or given under this Act, have effect as if made, issued or given under the corresponding enactment of this Act;

(*b*) any document referring to any enactment repealed by this Act shall be construed as referring to the corresponding enactment of this Act;

(*c*) any person appointed to any office under or by virtue of any enactment repealed by this Act shall be deemed to have been appointed to that office under or by virtue of this Act;

(*d*) all funds and accounts constituted under this Act shall be deemed to be in continuation of the corresponding funds and accounts constituted under the enactments repealed by this Act;

(*e*) references in this Act to persons insured thereunder whether as employed contributors or as voluntary contributors shall, so far as necessary for the purpose of preserving any accruing right, be construed as including references to persons so insured under the enactments repealed by this Act, and any contributions paid in respect of any persons under the enactments repealed by this Act shall for the purposes of this Act be treated as if they had been paid under the corresponding enactments of this Act;

(*f*) any body of persons having immediately before the commencement of this Act power to transact business relating to national health insurance shall continue to have the same power in that behalf which it would have had if this Act had not passed.

Short title and commencement.

229.—(1) This Act may be cited as the National Health Insurance Act, 1936.

(2) This Act shall come into operation on the first day of January, nineteen hundred and thirty-seven.

SCHEDULES.

FIRST SCHEDULE.

Sections 2, 3, 121, 152, 210.

PART I.

EMPLOYMENTS WITHIN THE MEANING OF THE ACT.

(*a*) Employment in the United Kingdom under any contract of service or apprenticeship, written or oral, whether expressed or implied, and whether the employed person is paid by the employer or some other person, and whether under one or more employers, and whether paid by time or by the piece or partly by time and partly by the piece, or otherwise, or, except in the case of a contract of apprenticeship, without any money payment.

(*b*) Employment under such a contract as aforesaid as master or a member of the crew of any ship registered in the United Kingdom or of any other British ship or vessel of which the owner, or, if there is more than one owner, the managing owner or manager, resides or has his principal place of business in the United Kingdom.

(*c*) Employment in the United Kingdom as an outworker, except in so far as such employment is excluded by special order.

The expression "outworker" means a person to whom articles or materials are given out by another person to be made up, cleaned, washed, altered, ornamented, finished, repaired or adapted for sale for the purposes of the trade or business of that other person where the process is to be carried out either in the home of the outworker or in some other premises not being premises under the control and management of that other person.

A special order under this provision may exclude outworkers engaged in work of any class, or outworkers of any class or description specified in the order.

The person who gives out the articles or materials shall, in relation to the person to whom they are given out, be deemed to be the employer of that person for the purposes of this Act, but a special order may provide that as respects any outworkers or any class of outworkers specified in the order a person specified in the order shall, instead of the person who gives out the articles or materials, be deemed to be the employer.

1st Sch.—*cont.*

(*d*) Employment in the United Kingdom under any local or other public authority except in so far as such employment is excluded by a special order.

(*e*) Employment in the United Kingdom in plying for hire with any vehicle or vessel the use of which is obtained under any contract of bailment (or in Scotland any contract of letting to hire) in consideration of the payment of a fixed sum or a share in the earnings or otherwise, and the person from whom the use of the vehicle or vessel is so obtained shall be deemed to be the employer for the purposes of this Act.

(*f*) Employment in the United Kingdom by way of manual labour under a contract for the performance of such labour for the purposes of any trade or business, except in so far as such employment is excluded by a special order.

The person for the purposes of whose trade or business the labour is performed shall, in relation to the person performing the labour, be deemed to be the employer of that person for the purposes of this Act.

(*g*) Employment as master or a member of the crew of any fishing or other vessel registered in the United Kingdom, or of any other British vessel of which the owner, or if there is more than one owner the managing owner or manager, resides or has his principal place of business in the United Kingdom, when the person so employed is remunerated by a share in the profits or gross earnings of the vessel, except in so far as such employment is excluded by special order.

The owner of the vessel, or if there is more than one owner the managing owner or manager, shall for the purposes of this Act be deemed to be the employer; but a special order may—

(i) modify in the case of persons so employed, or any class of such persons specified in the order, the provisions of this Act restricting the right of deducting or otherwise recovering the employer's contribution;

(ii) provide that as respects any persons so employed, or any class of such persons specified in the order, a person specified in the order shall, instead of the owner, managing owner, or manager, be deemed to be the employer.

PART II.

EXCEPTIONS.

(*a*) Employment in the naval, military or air service of the Crown, including service in Officers' Training Corps, except as otherwise provided in this Act.

1st Sch. —cont.

(*b*) Employment under the Crown or any local or other public authority where the Minister certifies that the terms of the employment are such as to secure provision in respect of sickness and disablement on the whole not less favourable than the corresponding benefits conferred by this Act.

(*c*) Employment as a clerk or other salaried official in the service of a railway or other statutory company, or of a joint committee of two or more such companies, where the Minister certifies that the terms of employment, including the rights of the person employed in such superannuation fund as is hereinafter mentioned, are such as to secure provision in respect of sickness and disablement on the whole not less favourable than the corresponding benefits conferred by this Act, and the person employed is entitled to rights in a superannuation fund established by Act of Parliament for the benefit of persons in such employment.

(*d*) Employment (if and so long as the prescribed conditions are fulfilled) by any statutory undertakers, that is to say, persons authorised by Parliament to construct, work, or carry on any railway, canal, dock, harbour, tramway, gas, electricity, water or other undertaking of public utility, where the Minister certifies that the employment is, having regard to the normal practice of the employer, employment which is permanent in character, and that the persons engaged in that employment are entitled to rights in a superannuation fund approved by the Minister, and that the terms of the employment, including those rights, are such as to secure to the persons so engaged benefits on the whole not less favourable than benefits conferred by this Act, other than additional benefits, but including medical benefit:

Provided that no such certificate shall be given unless the Minister is satisfied that, if the certificate is given, contributions under the Contributory Pensions Act will either not be payable in respect of the persons engaged in the employment, or will be payable at the reduced rates mentioned in Part IV of the First Schedule to that Act instead of at the ordinary rates.

(*e*) Employment in England or Wales as a teacher in recognised or contributory service within the meaning of the Teachers (Superannuation) Acts, 1918 to 1925, or as a teacher in recorded service within the meaning of the Elementary School Teachers (Superannuation) Act, 1898, or as a pupil or student teacher in a public elementary school.

61 & 62 Vict. c. 57.

(*f*) Employment in Scotland as a teacher to whom a scheme under the Education (Scotland) (Superannuation) Acts, 1919 to 1925, applies, or employment in a state-aided school in Scotland as a student provisionally recognised for temporary service as an uncertificated teacher pending completion of training.

1ST SCH. —*cont.*

(*g*) Employment as a teacher in a public elementary school at any time after the person employed has undergone an examination in order to qualify for the position of a certificated teacher in such a school and before the announcement of the result of the examination.

(*h*) Employment as a teacher of any class which may be specified in a special order made after consultation with the Board of Education as being a class in the case of which the conditions of employment are similar to the conditions of employment prevailing in the case of teachers falling within the foregoing exceptions relating to teachers.

(*i*) Employment as an agent paid by commission or fees or a share in the profits, or partly in one and partly in another of such ways, where the person so employed is mainly dependent for his livelihood on his earnings from some other occupation, or where he is ordinarily employed as such agent by more than one employer, and his employment under no one of such employers is that on which he is mainly dependent for his livelihood.

(*j*) Employment in respect of which no money payment is made, whether by way of wages or otherwise, where the employer is the occupier of an agricultural holding and the employed person is employed thereon, or where the person employed is the child of, or is maintained by, the employer.

(*k*) Employment otherwise than by way of manual labour and at a rate of remuneration exceeding in value two hundred and fifty pounds a year, or in cases where such employment involves part-time service only at a rate of remuneration which in the opinion of the Minister is equivalent to a rate of remuneration exceeding two hundred and fifty pounds a year for whole-time service, or, in cases where the remuneration is in whole or in part a varying amount and the rate of remuneration is accordingly not immediately ascertainable, at a rate of remuneration which, as estimated by the Minister by reference to the remuneration earned by the employee in the same employment during the last preceding year, or earned during that year by persons in the same grade in the same employment for the same employer, or in similar employments for other employers, or, if information with regard to those matters is not available, then to any other circumstances which appear to the Minister to be relevant, exceeds in value two hundred and fifty pounds a year.

(*l*) Employment of a casual nature otherwise than for the purposes of the employer's trade or business, and otherwise than for the purposes of any game or recreation where the persons employed are engaged or paid through a club, and in such case the club shall be deemed to be the employer.

1st Sch.—*cont.*

(*m*) Employment of any class which may be specified in a special order as being of such a nature that it is ordinarily adopted as subsidiary employment only and not as the principal means of livelihood.

(*n*) Employment as an outworker where the person so employed is the wife of an insured person and is not wholly or mainly dependent for her livelihood on her earnings in such employment.

(*o*) Employment in the United Kingdom as master or a member of the crew of any British ship registered outside the United Kingdom, not being a ship engaged in regular trade with ports outside the British Islands.

(*p*) Employment as a member of the crew of a fishing vessel where the members of the crew are remunerated by shares in the profits or the gross earnings of the working of the vessel in accordance with any custom or practice prevailing at any port, if a special order is made for the purpose, and the particular custom or practice prevailing at the port is one to which the order applies.

(*q*) Employment in the service of the husband or wife of the employed person.

Section 14.

SECOND SCHEDULE.

PART I.

RATES OF CONTRIBUTIONS IN RESPECT OF EMPLOYED CONTRIBUTORS.

In the case of men	9*d.* a week.
In the case of women	8½*d.* a week.

CONTRIBUTIONS OF EMPLOYERS AND EMPLOYED CONTRIBUTORS.

In Ordinary Cases.

To be paid by the employer		4½*d.* a week.
To be paid by the contributor	men	4½*d.* a week.
	women	4*d.* a week.

2nd Sch. —*cont.*

In the case of Low-Wage Earners.

In the case of employed contributors of either sex, of the age of eighteen or upwards, whose remuneration does not include the provision of board and lodging by their employer, and the rate of whose remuneration does not exceed 4*s.* a working day, the following shall be the rates of contribution :—

(1) Where the rate of remuneration does not exceed 3*s.* a working day—

To be paid by the employer	for men	9*d.* a week.
	for women	8½*d.* a week.

(2) Where the rate of remuneration exceeds 3*s.* but does not exceed 4*s.* a working day—

To be paid by the employer		5½*d.* a week.
To be paid by the contributor	men	3½*d.* a week.
	women	3*d.* a week.

Part II.

Power to apply Provisions as to Low-Wage Earners to Special Cases.

Where it appears to the Minister that the persons employed by any employer or group of employers in any class or classes of work are in general in receipt of a rate of remuneration which, although liable to fluctuation, is normally within either of the limits of remuneration referred to in Part I of this Schedule, the Minister may by special order declare that all the persons employed by that employer or group of employers in that class or those classes of work shall, for the purposes of this Act, but subject to any exceptions contained in the order, be treated as if they were constantly in receipt of the normal rate of remuneration, notwithstanding that those persons or any of them may in any week in fact receive a higher or lower rate of remuneration.

THIRD SCHEDULE.

Sections 32, 104 (5).

Additional Benefits.

1. An increase of sickness benefit and disablement benefit.

2. The payment of sickness benefit from the first day of incapacity.

3. An increase of maternity benefit.

3rd Sch. —*cont.*

4. Allowances to a member during convalescence from some disease or disablement.

5. Payments to or on behalf of members who are in want or distress.

6. Payments to members not allowed to attend work on account of infection.

7. Repayment of the whole or any part of contributions payable under this Act by members of the society or any class thereof.

8. The payment of the whole or any part of the cost of medical or surgical advice or treatment by any medical practitioner, not being advice or treatment within the scope of any other additional benefit or of medical benefit, under a special scheme approved by the Minister for the purpose.

9. The payment of the whole or any part of the cost of the provision of dental treatment.

10. Payments to hospitals in respect of the maintenance and treatment therein of members, and the payment of the whole or any part of the travelling expenses incurred by or in respect of members in travelling to and from hospitals.

11. The payment of the whole or any part of the cost of maintenance and treatment of members in convalescent homes, and the payment of the whole or any part of the travelling expenses incurred by or in respect of members in travelling to and from convalescent homes.

12. The provision of premises suitable for convalescent homes and the maintenance of such homes.

13. The payment of the whole or any part of the cost of medical and surgical appliances, other than dental and optical appliances and those provided as part of medical benefit.

14. The payment of the whole or any part of the cost of the provision of ophthalmic treatment (other than as provided as part of medical benefit) and the whole or any part of the cost of optical appliances.

15. The payment of the whole or any part of the cost of the provision of nurses for members.

16. Payments to approved charitable institutions in respect of any treatment of members required for the prevention or cure of disease, not being treatment within the scope of any other additional benefit or of medical benefit.

17. Such other additional benefits, being of a character similar to that of any of those hereinbefore mentioned, as may be prescribed.

FOURTH SCHEDULE.

Sections 102 (1), 117 (2), 192, 206 (2).

Accounts of Insurance Committees.

Part I.

England and Wales.

1. If it appears to any auditor to whom the accounts of an insurance committee (including the accounts of any officer or servant of the committee) have been submitted under this Act, that any item of account is contrary to law, or that any money or income which ought to have been brought into account has not been so brought into account, the auditor shall disallow the item of account and shall surcharge the amount of any unlawful payment or expenditure, or of any loss or deficiency, upon any member, officer or servant of the committee or other person by whose negligence or wrongful act that payment or expenditure has been made or authorised or that loss or deficiency has been incurred:

Provided that no item of account sanctioned by the Minister shall be disallowed or surcharged by the auditor.

2. Any insurance committee or person aggrieved by any disallowance or surcharge may, within thirty days after the date of the auditor's certificate, or within such further period as the Minister may (on special cause shown, and subject to such conditions as he may determine) allow, appeal to the Minister, whose decision shall be final, and the procedure on appeal shall be such as may be prescribed:

Provided that the Minister may at any stage of the proceedings on appeal, and shall, if so directed by the High Court, state in the form of a special case for the opinion of the court any question of law arising in the course of the appeal.

3. The Minister, in considering whether any item of account should be sanctioned, or in determining any appeal under this Schedule, may, if he is of opinion that any disallowance or surcharge has been or would be lawfully made, but that in the circumstances of the case it is equitable that the disallowance or surcharge should not be made, sanction the item of account and remit the disallowance or surcharge:

Provided that, where the item of account or expenditure relates in whole or in part to moneys for the application of which provision is made by scheme, vote or regulation, the Minister shall have regard to the terms of that scheme, vote or regulation.

4. In any case in which an appeal has been made to the Minister the auditor may re-open the audit for the purpose of giving effect to the decision of the Minister.

4th Sch. —*cont.*

5. Any sum surcharged by the auditor or any balance certified by him to be due, shall be paid to the Minister by the person who is surcharged or from whom the balance is certified to be due within thirty days after the date of the auditor's certificate, or, if an appeal is lodged and the amount surcharged or certified to be due is not remitted, within thirty days after the date of the decision of the Minister, and if not paid within the time aforesaid may be recovered by the Minister summarily as a civil debt; and the costs of any proceedings for the recovery of any such sum so far as not recovered from the person surcharged shall be charged to the insurance committee.

On any proceedings for the recovery of such a sum a certificate purporting to be signed by an auditor appointed under this Act shall be conclusive evidence of the facts certified.

6. Any person who knowingly re-charges to the funds of an insurance committee any sum which has been disallowed by the auditor and has not been allowed by the Minister on appeal, shall be liable on summary conviction to a fine not exceeding three times the amount of the sum so re-charged.

Section 192 (5).

PART II.

SCOTLAND.

1. If it appears to any auditor to whom the accounts of any insurance committee in Scotland (including the accounts of any officer or servant of the committee) have been submitted under this Act that any item of account is contrary to law, or that any money or income which ought to have been, is not brought into account, the auditor shall by an interim report under his hand, report thereon to the Department of Health setting forth the grounds of his opinion as aforesaid; and the Department shall cause such interim report to be intimated to the committee or person affected thereby; and after such enquiry as the Department think fit they shall decide all questions raised by such interim report, and shall disallow all unlawful items of account and shall surcharge the amount of any unlawful payment or expenditure or of any loss or deficiency, upon any member, officer or servant of the committee or other person by whose negligence or wrongful act that payment or expenditure has been made or authorised or that loss or deficiency has been incurred:

Provided that no such interim report shall be made with respect to any item of account sanctioned by the Department.

2. If the Department are of opinion that any disallowance or surcharge might lawfully be made, but that in the circumstances of the case it is equitable that the disallowance or surcharge should not be made, they may abstain from making the same:

Provided that, where the payment or expenditure relates in whole or in part to moneys for the application of which provision

4th Sch. —*cont.*

is made by scheme, vote or regulation, the Department shall have regard to the terms of that scheme, vote or regulation.

3. Every sum determined by the Department under the provisions hereof to be due from any person shall be paid by such person to the Department within thirty days after such determination has been intimated to him, and if such sum is not so paid the Department may recover the same as a civil debt; and the costs of any proceedings for the recovery of any such sum so far as not recovered from the person surcharged shall be charged to the insurance committee.

On any such proceedings a certificate purporting to be signed by the Secretary of the Department or some person authorised by the Department to act on behalf of the Secretary shall be conclusive evidence of the facts certified.

4. Any person who knowingly recharges to the funds of an insurance committee any sum which has been disallowed by the Department under the provisions hereof shall be liable on summary conviction to a fine not exceeding three times the amount of the sum so recharged.

FIFTH SCHEDULE.

Section 167 (3).

PROVISIONS OF ACT AUTHORISING REGULATIONS IN RESPECT OF WHICH SPECIAL POWERS ARE GIVEN.

Section of Act.	
Section 13 (3)	Administration of medical treatment and attendance.
Section 43 (*a*)	Issue of certificates by medical practitioners.
Section 64 (4)	Persons of unsound mind.
Section 83 (2)	Withdrawal of approval.
Section 84 (2)	Dissolution of societies.
Section 85	Amalgamation, transfer of engagements, &c., of societies.
Section 86 (1)	Secessions, expulsions, and dissolution, &c. of branches.
Section 118 (1)	Provision of funds for insurance committees.
Section 122 (2)	Deposit contributors.
Section 131 (2)	Navy, Army and Air Force Insurance Fund.
Section 131 (4)	Persons of unsound mind entitled to benefits out of the Navy, Army and Air Force Insurance Fund.
Section 146 (8)	Crediting, variation and cancellation of reserve values.
Section 180 (2)	Provisions as to death certificates.

Section 228.

SIXTH SCHEDULE.

PART I.

ENACTMENTS REPEALED.

Session and Chapter, or Year and Number of Order.	Short Title.	Extent of Repeal.
1 & 2 Geo. 5. c. 55.	The National Insurance Act, 1911.	Sections seventy-two and seventy-three.
3 & 4 Geo. 5. c. 37.	The National Insurance Act, 1913.	Section one.
10 & 11 Geo. 5. c. 10.	The National Health Insurance Act, 1920.	The whole Act.
12 & 13 Geo. 5. c. 38.	The National Health Insurance Act, 1922.	The whole Act.
14 & 15 Geo. 5. c. 38.	The National Health Insurance Act, 1924.	The whole Act.
15 & 16 Geo. 5. c. 70.	The Widows', Orphans' and Old Age Contributory Pensions Act, 1925.	Paragraph (*b*) of subsection (2) of section nine; section thirteen; subsection (5) of section fourteen, other than the proviso to that subsection; subsection (5) of section fifteen; sections thirty-seven and thirty-eight; subsection (6) of section forty-five; and the Fourth Schedule.
16 & 17 Geo. 5. c. 9.	The Economy (Miscellaneous Provisions) Act, 1926.	Part I; the First Schedule.
18 & 19 Geo. 5. c. 14.	The National Health Insurance Act, 1928.	The whole Act.
20 & 21 Geo. 5. c. 10.	The Widows', Orphans' and Old Age Contributory Pensions Act, 1929.	Subsection (4) of section three; subsections (1) and (2) of section nine; section twenty-one; section twenty-five.

Session and Chapter, or Year and Number of Order.	Short Title.	Extent of Repeal.
S.R. & O. 1929, No. 79.	The National Health Insurance (Extension of Enactments to Northern Ireland) Order, 1929.	The whole Order.
21 & 22 Geo. 5. c. 5.	The National Health Insurance (Prolongation of Insurance) Act, 1930.	The whole Act.
22 & 23 Geo. 5. c. 6.	The National Health Insurance (Prolongation of Insurance) Act, 1931.	The whole Act.
S.R. & O. 1931, No. 813.	The National Economy (National Health Insurance) Order, 1931.	Article four.
22 & 23 Geo. 5. c. 52.	The National Health Insurance and Contributory Pensions Act, 1932.	The whole Act except section ten.
23 & 24 Geo. 5. c. 33.	The Metropolitan Police Act, 1933.	Subsection (3) of section four so far as that subsection relates to national health insurance; paragraph 1 of the Schedule.
25 & 26 Geo. 5. c. 44.	The National Health Insurance and Contributory Pensions Act, 1935.	Sections one to fifteen; section twenty-two; subsections (1), (2) and (3) of section twenty-three; the First Schedule.
S.R. & O. 1936, No. 177.	The National Health Insurance (Extension of Enactments to Northern Ireland) Order, 1936.	The whole Order.

Part II.

Northern Ireland Enactments Repealed.

12 & 13 Geo. 5. c. 15.	The National Health Insurance Act (Northern Ireland), 1922.	The whole Act.
14 & 15 Geo. 5. c. 16.	The National Health Insurance Act (Northern Ireland), 1924.	The whole Act.
14 & 15 Geo. 5. c. 27.	The Illegitimate Children (Affiliation Orders) Act (Northern Ireland), 1924.	Subsection (4) of section one.

6th Sch. —*cont.*

Session and Chapter, or Year and Number of Order.	Short Title.	Extent of Repeal.
15 & 16 Geo. 5. c. 17.	The Government Loans and Exchequer Provisions Act (Northern Ireland), 1925.	Section fourteen.
15 & 16 Geo. 5. c. 23.	The Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1925.	Paragraph (*b*) of subsection (2) of section nine; section thirteen; subsection (5) of section fourteen other than the proviso to that subsection; subsection (5) of section fifteen; sections thirty-seven and thirty-eight; the Fourth Schedule, so far as unrepealed.
16 & 17 Geo. 5. c. 11.	The Economy (Exchequer Relief) Act (Northern Ireland), 1926.	Part I; the First Schedule.
18 & 19 Geo. 5. c. 11.	The National Health Insurance Act (Northern Ireland), 1928.	The whole Act, so far as unrepealed.
S.R. & O. (N.I.), 1928, No. 122.	The National Health Insurance (Extension of Enactments) Order (Northern Ireland), 1928.	The whole Order.
20 Geo. 5. c. 17	The Widows', Orphans' and Old Age Contributory Pensions Act (Northern Ireland), 1929.	Subsection (4) of section three; subsections (1) and (2) of section nine; subsection (2) of section twenty, so far as it relates to the National Health Insurance Act, 1924; sections twenty-one and twenty-five.
20 & 21 Geo. 5. c. 13.	The National Health Insurance Act (Northern Ireland), 1930.	The whole Act, except section thirteen.
21 & 22 Geo. 5. c. 6.	The National Health Insurance Act (Northern Ireland), 1931.	The whole Act.

6th Sch. —*cont.*

Session and Chapter, or Year and Number of Order.	Short Title.	Extent of Repeal.
21 & 22 Geo. 5. c. 11.	The Economy Act (Northern Ireland), 1931.	So far as the Act relates to national health insurance.
S.R.&O.(N.I.), 1931, No. 152.	The Economy (National Health Insurance) Order (Northern Ireland), 1931.	Article four.
21 & 22 Geo. 5. c. 23.	The National Health Insurance (No. 2) Act (Northern Ireland), 1931.	The whole Act.
22 & 23 Geo. 5. c. 12.	The National Health Insurance and Contributory Pensions Act (Northern Ireland), 1932.	The whole Act so far as it relates to national health insurance.
S.R.&O. (N.I.), 1932, No. 88.	The National Health Insurance and Contributory Pensions (Enactments) Order (Northern Ireland), 1932.	Paragraphs (*a*), (*b*) and (*d*) of Article two; Article three.
25 & 26 Geo. 5. c. 14.	The National Health Insurance and Contributory Pensions Act (Northern Ireland), 1935.	Section one so far as it relates to national health insurance; sections two and three; subsection (2) of section six and subsection (4) of that section, so far as it relates to national health insurance.
S.R.&O.(N.I.), 1935, No. 100.	The National Health Insurance and Contributory Pensions (Enactments) Order (Northern Ireland), 1935.	Paragraphs (*b*), (*c*), (*d*) and (*e*), and, so far as it relates to national health insurance, paragraph (*h*), of Article two.

CHAPTER 33.

An Act to consolidate the enactments relating to Widows', Orphans' and Old Age Contributory Pensions. [14th July 1936.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

Contributory Pensions.

Contributory pensions for widows, orphans, and persons between the ages of 65 and 70.

1.—(1) Subject to the provisions of this Act relating to the payment of contributions (including payments out of moneys provided by Parliament) and otherwise, pensions shall be payable as follows, that is to say—

(*a*) to the widow of an insured man a pension at the rate of ten shillings per week, with an additional allowance in respect of children while under the age of fourteen and for the further period hereinafter specified, at the rate of five shillings per week for the eldest or only such child, and three shillings per week for each other such child (in this Act called a " widow's pension ");

(*b*) in respect of the orphan children while under the age of fourteen and for the further period hereinafter specified of an insured man or of an insured widow, a pension at the rate of seven shillings and sixpence per week for each such child (in this Act called an " orphan's pension ");

(*c*) to an insured man or an insured woman who has attained the age of sixty-five but has not attained the age of seventy, and to the wife of an insured man who has attained the age of sixty-five (such wife having attained the age of sixty-five but not having attained the age of seventy) a pension at the rate of ten shillings per week (in this Act called an " old age pension ").

(2) The specified further period shall be any period between the day before the date on which the child attains the age of fourteen and the end of July next following the date on which he attains the age of sixteen during which he is, or is deemed in accordance with regulations made under this Act to be, under full time instruction in a day school.

(3) By way of contribution towards the cost of carrying this Act into effect there shall be paid such contributions as are hereinafter in this Act provided.

Meaning of "insured", &c.

26 Geo. 5. & 1 Edw. 8. c. 32.

14 & 15 Geo. 5. c. 38.

2.—(1) In this Act, unless the context otherwise requires, the expression "insured" means insured under the National Health Insurance Act, 1936 (in this Act referred to as the Insurance Act) or any Act repealed by that Act or by the National Health Insurance Act, 1924, and in relation to any person who is deemed to be insured for the purposes of this Act, includes such a person; the expression "insurance" in relation to a person so deemed to be insured shall be construed accordingly; and other expressions have the same meaning as in the Insurance Act.

(2) An exempt person and a person engaged in an excepted employment shall be deemed to be insured for the purposes of this Act in the circumstances and to the extent mentioned in this Act.

Widows' and Orphans' Pensions.

Widows' pensions.

3.—(1) Subject to the provisions of this Act, the widow of a person who is insured at the date of his death but had not attained the age of seventy before the fourth day of January, nineteen hundred and twenty-six shall, if the statutory conditions hereinafter mentioned are complied with, be entitled to a widow's pension:

Provided that the widow of a man who had attained the age of sixty at the date of the marriage shall not be entitled to a widow's pension unless either—

(*a*) there are or have been one or more children of the marriage; or

(*b*) at the date of the death of her husband three years or more have elapsed since the date of the marriage; or (*c*) she immediately before the marriage was, or but for any disqualification for the receipt of a pension contained in section twenty-four or in section twenty-five of this Act would have been, in receipt of a widow's pension.

(2) A widow's pension shall continue to be payable until the widow attains the age of seventy unless she re-marries before attaining that age, in which case the pension shall cease.

(3) An additional allowance shall, subject as hereinafter provided, be paid to the widow together with and as part of the pension:

Provided that, if for any reason other than the death of the widow the widow's pension ceases to be payable before the expiration of the time during which an additional allowance is payable, that cesser shall not affect the continuance of the additional allowance.

Orphans' pensions.

4.—(1) Subject to the provisions of this Act, an orphan's pension shall, if the statutory conditions hereinafter mentioned are complied with, be payable in respect of the orphan child—

(*a*) of a man who, being a married man or a widower, is insured at the date of his death and had not attained the age of seventy before the fourth day of January, nineteen hundred and twenty-six;

(*b*) of a widow who is insured at the date of her death.

(2) Where an additional allowance is payable and the widow who was entitled to the widow's pension as part of which the additional allowance was or had been payable dies, an orphan's pension shall be payable in respect of the child; and where the wife of a man has predeceased him, and, if she had survived him and died immediately after she had become entitled to a widow's pension, an orphan's pension would under the foregoing provision of this subsection have been payable in respect of any child, an orphan's pension shall on the death of the man be payable in respect of that child.

(3) An orphan's pension shall, subject as hereinafter provided, be payable to the guardian or other person having the charge of the child.

Statutory conditions as to widows' and orphans' pensions.

5.—(1) The statutory conditions to be complied with in the case of a person in respect of whose insurance a widow's pension or an orphan's pension is payable are—

(*a*) that one hundred and four weeks have elapsed and one hundred and four contributions have been paid by or in respect of that person since the date of his entry into insurance; and

(*b*) that the number of contributions paid, or deemed in accordance with regulations under this Act to have been paid, by or in respect of him for the three contribution years immediately before his death, or before the date on which contributions under the Insurance Act ceased to be payable by or in respect of him by reason of his age, as the case may be, represents on the average not less than twenty-six contributions calculated in the prescribed manner in respect of each of those three years:

Provided that condition (*b*) shall not apply in any case where the person in respect of whose insurance a pension is claimed—

(i) had since the date of his entry into insurance been insured for less than two hundred and eight weeks at the date on which he died or on which contributions under the Insurance Act ceased to be payable by or in respect of him by reason of his age, whichever was the earlier; or

(ii) was at the date on which he attained the age of sixty an insured person and had at that date been continuously insured for a period of ten years, or, if he attained the age of sixty before the fifteenth day of July, nineteen hundred and twenty-two, since the fifteenth day of July, nineteen hundred and twelve; or

(iii) was immediately before the date when he attained the age of seventy, or, if he died before attaining that age, was at the date of his death, entitled to an old age pension under this Act or any Act repealed by this Act; or

(iv) was at the date of his death deemed to be insured by reason of being or having been employed in an employment which is an excepted employment by virtue of a certificate given under paragraph (*b*) or paragraph (*c*) or paragraph (*d*) of Part II of the First Schedule to the Insurance Act.

(2) In determining whether the statutory conditions have been complied with, no account shall be taken of contributions paid after the date of the death of the person in respect of whose insurance the pension is claimed:

Provided that this subsection shall have effect subject to any regulations made under this Act enabling, in such cases as may be prescribed, contributions in respect of employed persons which have not been paid on the due dates to be treated as having been so paid.

Payment of widows' and orphans' pensions in certain cases in respect of persons ceasing to be insured.

6. Where a person who immediately before the beginning of a free insurance period had been continuously insured as an employed contributor for a period of not less than two hundred and eight weeks and by or in respect of whom not less than one hundred and sixty contributions had been paid, ceases to be insured at the end of that free insurance period, but it is proved to the satisfaction of the Minister, or in the case of an appeal it is decided in manner provided by this Act, that he was during that period, except when employed within the meaning of the Insurance Act or when incapable of work by reason of some specific disease or bodily or mental disablement of which notice was given within the prescribed period, available for but unable to obtain employment, then, if within twelve months of ceasing to be insured he dies, a widow's pension and an orphan's pension shall, whether he has or has not again become insured, be payable in respect of his insurance in accordance with the provisions of this Act, if such a pension would have been so payable if he had died on the last day of the free insurance period:

Provided that, in respect of not more than twelve weeks of the free insurance period in respect of which proof as aforesaid would otherwise be required for the purposes of this subsection, such proof shall not be necessary.

Special provisions as to additional allowances and orphans' pensions.

7.—(1) Where by order of any court any child in respect of whom an additional allowance is payable under this Act is or has been removed from the custody of the person to whom the allowance is or would be payable, an orphan's pension shall be substituted for the additional allowance and shall be paid to the person in whose charge the child is or has been placed, or in such other manner as may from time to time be directed by order of the court.

(2) The provisions of the preceding subsection shall apply in a case where a child has before the death of his father or his stepfather been removed by order of any court from the custody of the father or stepfather and placed in the custody of some person other than the mother or stepmother, as it applies in a case where a child has been removed from the custody of the person to whom the additional allowance would be payable.

(3) Where the Minister is satisfied that a child in respect of whom an additional allowance is payable was not living with the widow at the time when she became a widow or was not immediately after the husband's death being supported by the widow, the Minister may, whether the widow has or has not claimed a widow's pension, direct that the additional allowance shall be paid to the person having the charge of the child, to be administered by that person for the benefit of the child.

(4) Where a representation is made to the Minister by the local authority or otherwise—

(*a*) with reference to an additional allowance that the widow or other person to whom the additional allowance is payable has deserted or abandoned or ceased to support the child, or has become disqualified for the time being from receiving a widow's pension, and that it would be in the interests of the child that the additional allowance should be administered by the local authority or some other person for the benefit of the child;

(*b*) with reference to an orphan's pension that it would be in the interests of the child that it should be administered by the local authority or some other person for the benefit of the child;

the Minister, if satisfied that the allegations of the representation are true, and that it would be in the interests of the child so to do, may direct that the additional allowance or orphan's pension shall be paid to the person having the charge of the child or to any other person approved by the Minister or to the local authority, to be administered by such person or by the local authority for the benefit of the child:

Provided that, where the widow or other person to whom the additional allowance or orphan's pension is payable has not had an opportunity of presenting her case personally, or through some person appointed by her, to the local authority or a person appointed for the purpose by the local authority, the Minister (except where the widow or other person cannot be found, or is in prison, or in an asylum or mental hospital or other similar institution) shall, before giving any such direction, give the widow or such other person as aforesaid an opportunity of so presenting her case to a person appointed by him.

(5) Where the Minister is satisfied, on the application of a woman entitled to an additional allowance as part of a widow's pension, or of any other person having the charge of a child in respect of whom an additional allowance or orphan's pension is payable, that the child is or is about to be placed in the temporary custody of some other person and that the additional allowance or orphan's pension should be paid to that other person so long as such temporary custody continues, he may direct that the additional allowance or orphan's pension shall be paid accordingly, subject to such terms and conditions as he may think fit to impose.

(6) Where any person to whom an additional allowance or an orphan's pension would otherwise be payable is by virtue of the provisions of the Third Schedule to this Act disqualified for receiving any sum on account of a pension, the Minister may direct that the additional allowance or orphan's pension shall be paid to the person having the charge of the child, to be administered by that person for the benefit of the child.

Old Age Pensions.

Old age pensions.

8.—(1) Subject to the provisions of this Act, a person shall, if the statutory conditions hereinafter mentioned are complied with, be entitled to an old age pension—

(*a*) if he or she attains the age of sixty-five, and is at the time of attaining that age an insured person; or

(*b*) if, being a woman who has attained the age of sixty-five but has not attained the age of seventy, she is the wife of a man who is an insured person and who is or has been entitled to an old age pension by virtue of the preceding paragraph:

Provided that a woman shall not be entitled to an old age pension under paragraph (*b*) of this subsection, unless she immediately before the marriage was, or but for any disqualification for the receipt of a pension contained in section twenty-four or section twenty-five of this Act would have been, in receipt of a widow's pension, or unless or until three years have elapsed since the date of the marriage.

(2) An old age pension shall continue payable until the person entitled thereto attains the age of seventy years:

Provided that, if the person entitled, being a woman, becomes entitled to a widow's pension before attaining the age of seventy, the old age pension shall cease to be payable and shall not on her ceasing to be entitled to a widow's pension again become payable, unless she was entitled thereto in respect of her own insurance.

Statutory conditions as to old age pensions.

9.—(1) The statutory conditions to be complied with in the case of a person in respect of whose insurance an old age pension is payable are—

(*a*) that the person was continuously insured for a period of not less than five years immediately before the date on which he attained the age of sixty-five; and (*b*) that one hundred and four contributions have been paid by or in respect of him since the date of his entry into insurance; and

(*c*) that the number of contributions paid, or deemed in accordance with regulations under this Act to have been paid, by or in respect of him for the three contribution years immediately before the date on which he attained the age of sixty-five, represents on the average not less than thirty-nine contributions calculated in the prescribed manner in respect of each of those three years:

Provided that—

(i) where the period for which a person has been continuously insured immediately before the date on which he attained the age of sixty-five is less than five years, the foregoing conditions shall apply with the substitution of a reference to the expiration of the period of five years from the date of his entry into insurance for the reference to the date on which he attained the age of sixty-five;

(ii) condition (*c*) shall not apply in any case where the person in respect of whose insurance a pension is claimed was at the date on which he attained the age of sixty years an insured person and had at that date been continuously insured for a period of ten years;

(iii) where a woman on attaining the age of fifty-five has been continuously insured for a period of ten years, condition (*c*) shall, if she so elects, apply as if for the reference to thirty-nine contributions there were substituted a reference to twenty-six contributions, but in such case the regulations shall not provide that the contributions shall for the purposes of that condition be deemed to have been paid in respect of any period of unemployment except unemployment owing to incapacity for work due to some specific disease or to bodily or mental disablement.

(2) In determining whether the statutory conditions have been complied with, no account shall be taken of

contributions paid after the date on which the person in respect of whose insurance the pension is claimed attained the age of sixty-five:

Provided that—

(i) this subsection shall have effect subject to any regulations made under this Act enabling, in such cases as may be prescribed, contributions in respect of employed persons which have not been paid on the due dates to be treated as having been so paid;

(ii) in a case where the pension is claimed in respect of the insurance of a person to whom proviso (i) to the last preceding subsection applies, the provisions of this subsection shall have effect as if for the words "the date on "which the person in respect of whose insurance the pension is claimed attained the age "of sixty-five" there were substituted the words "the expiration of the period of five "years from the date on which the person in "respect of whose insurance the pension is "claimed entered into insurance."

Payment of old age pensions in certain cases in respect of persons ceasing to be insured.

10.—(1) Where a person who immediately before the beginning of a free insurance period had been continuously insured as an employed contributor for a period of not less than two hundred and eight weeks and by or in respect of whom not less than one hundred and sixty contributions had been paid, ceases to be insured at the end of that free insurance period, but it is proved to the satisfaction of the Minister, or in the case of an appeal it is decided in manner provided by this Act, that he was during that period, except when employed within the meaning of the Insurance Act or when incapable of work by reason of some specific disease or bodily or mental disablement of which notice was given within the prescribed period, available for but unable to obtain employment, then, if within twelve months of ceasing to be insured he attains the age of sixty-five, an old age pension shall, whether he has or has not again become insured, be payable in respect of his insurance in accordance with the provisions of this Act, if such a pension would have been so payable if he had attained the age of sixty-five on the last day of the free insurance period:

Provided that, in respect of not more than twelve weeks of the free insurance period in respect of which proof as aforesaid would otherwise be required for the purposes of this subsection, such proof shall not be necessary.

(2) Where a person has become entitled to an old age pension by virtue of subsection (1) of this section, he shall, for the purposes of this Act, but not for any other purpose, be deemed to have been insured continuously from the end of the free insurance period aforesaid until his death.

Extension of right to old age pension under Old Age Pensions Act, 1936, in certain cases.

11. The following persons, that is to say, any person—

(*a*) who is at the date on which he or she attains the age of seventy entitled to an old age pension or a widow's pension under this Act or any Act repealed by this Act, or would have been so entitled but for the provisions of this Act relating to service dependants pensions; or

(*b*) who, being a woman who has attained the age of seventy, is the wife of a man who is or was at any time entitled to an old age pension under this Act or any Act repealed by this Act; or

(*c*) who, being a widow who before the death of her husband had attained the age of seventy, would have been entitled to a widow's pension, if she had not then attained that age;

26 Geo. 5. & 1 Edw. 8. c. 31.

shall be entitled to an old age pension under the Old Age Pensions Act, 1936, at the rate of ten shillings a week, notwithstanding that any of the statutory conditions as to means, residence or nationality is not satisfied in the case of that person:

Provided that a woman shall not be entitled to an old age pension by virtue of paragraph (*b*) of this section, unless she immediately before the marriage was, or but for any disqualification for the receipt of a pension contained in section twenty-four or section twenty-five of this Act, would have been in receipt of a widow's pension, or unless or until three years have elapsed since the date of the marriage.

Contributions and Financial Provisions.

Rates of contributions.

12.—(1) For the purpose of making provision towards the cost of pensions payable under this Act, contributions under this Act shall, until varied in manner hereinafter provided, be payable at the following rates, that is to say,—

(*a*) by or in respect of every person insured under the Insurance Act who has not attained the age of sixty-five, whether an employed contributor or a voluntary contributor, at the rates specified in Part I of the First Schedule to this Act (hereinafter referred to as the ordinary rates of contributions);

(*b*) in respect of every person employed within the meaning of the Insurance Act who has attained the age of sixty-five, at the rates specified in Part II of the First Schedule to this Act;

(*c*) in respect of every exempt person who has not attained the age of sixty-five, at the rates specified in Part III of the First Schedule to this Act;

(*d*) in respect of every person who is employed in an employment which is an excepted employment by virtue of a certificate given under paragraph (*b*) or paragraph (*c*) of Part II of the First Schedule to the Insurance Act, and who has not attained the age of sixty-five, at the ordinary rates:

Provided that—

(i) where the Minister certifies as respects any such excepted exployment that provision is made by means of a superannuation fund established by Act of Parliament, or by means of any other statutory enactment, or by other means approved by the Minister, for securing in respect of men employed therein and of their widows and children, or in respect of women employed therein and of their children, benefits on the whole not less favourable than all the benefits conferred by this Act, no contribution shall be payable under this Act in respect of such men or such women, as the case may be; and

(ii) where the Minister certifies as respects any such excepted employment that provision is made as aforesaid for securing benefits in respect of men employed therein on the whole not less favourable than the benefits by way of old age pensions conferred by this Act on men and their wives, or benefits in respect of women employed therein on the whole not less favourable than the benefits by way of old age pensions conferred by this Act on women, the contributions payable in respect of such men or such women, as the case may be, shall be at the rates specified in Part IV of the First Schedule to this Act;

(*c*) in respect of every person who is employed in an employment which is an excepted employment by virtue of a certificate given under paragraph (*d*) of Part II of the First Schedule to the Insurance Act, and who has not attained the age of sixty-five, at the rates specified in Part IV of the First Schedule to this Act:

Provided that, where the Minister certifies as respects any such excepted employment that provision is made by means of a superannuation fund approved by the Minister for securing in respect of men employed therein and of their widows and children, or in respect of women employed therein and of their children, benefits on the whole not less favourable than all the benefits conferred by this Act, no contribution shall be payable under this Act in respect of such men or such women, as the case may be.

(2) Where the contributions are payable in respect of an employed person, they shall be payable partly by the employer and partly by the employed person, or wholly by the employer, as provided in the Part of the First Schedule to this Act applicable to the case, and where the contributions are payable by a voluntary contributor they shall be paid wholly by the voluntary contributor.

Collection of contributions.

13.—(1) The contributions by or in respect of an insured person, and in respect of an exempt person, payable under this Act and under the Insurance Act, shall be paid as one contribution under the Insurance

Act, and, subject to such modifications and adaptations as may be prescribed, the contributions payable under this Act in respect of a person in an excepted employment, or of a person who has attained the age of sixty-five, shall be paid as if they were contributions under the Insurance Act, and, subject as aforesaid, all statutory provisions relating to the payment and collection of contributions under the Insurance Act, including (but without prejudice to the generality of the foregoing enactment) the provisions with respect to offences and civil proceedings in relation to contributions, with respect to priority of the claims for contributions, and with respect to the powers of inspectors, shall have effect accordingly.

(2) All sums collected on account of contributions under this Act shall be carried to the Pensions Account hereinafter constituted.

Pensions Account and Treasury Pensions Account.

14.—(1) For the purposes of this Act, there shall be kept, in accordance with directions of the Treasury, an account to be called the Pensions Account, to which shall be carried all contributions under this Act, and out of which shall be met all pensions (including additional allowances) which are payable under this Act or any Act repealed by this Act:

Provided that an old age pension under the Old Age Pensions Act, 1936, which is payable by virtue of this Act or any Act repealed by this Act, shall not for the purposes of this section be deemed to be a pension payable under this Act, but shall be payable out of moneys provided by Parliament in manner provided by the Old Age Pensions Act, 1936.

(2) Any sums standing to the credit of the Pensions Account which are not required to meet expenditure shall from time to time be paid over to the Treasury and by them credited to an account to be called the Treasury Pensions Account:

Provided that the Minister shall in respect of each half-year ending on the thirtieth day of June and the thirty-first day of December respectively ascertain the number of contributions represented by the sums collected on account of contributions payable under this Act in respect of persons employed within the meaning of the Insurance Act who have attained the age of sixty-five, and in respect of each such period a sum equivalent to fourpence-halfpenny multiplied by the number so ascertained shall be transferred from the Pensions Account to the Central Fund constituted under Part VI of the Insurance Act.

(3) There shall also be paid out of moneys provided by Parliament into the Treasury Pensions Account the sums following, that is to say,—

(*a*) as respects the period of seven years up to and including the year ending the thirty-first day of March, nineteen hundred and forty-three, the sum payable shall in the first year of the period be fifteen million pounds and thereafter shall rise by one million pounds in each successive year of the period:

(*b*) for each of the next three succeeding years the sum payable shall be the amount reached in the last year of the said period of seven years, that is to say, twenty-one million pounds:

(*c*) after the year ending the thirty-first day of March, nineteen hundred and forty-six, the sums payable shall be such as Parliament may hereafter determine.

(4) Any sums standing to the credit of the Treasury Pensions Account may from time to time be invested in such manner as the Treasury may direct, and any interest received from such investments shall be credited to that Account.

(5) If at any time it is shown to the Treasury that the sums in the Pensions Account are insufficient to meet the liabilities to be met thereout, the Treasury may out of the Treasury Pensions Account issue to the Pensions Account any sums required for the purpose of discharging those liabilities.

(6) Accounts of the Pensions Account and of the Treasury Pensions Account shall be prepared in such form, in such manner and at such times as the Treasury may direct, and the Comptroller and Auditor General shall examine and certify every such account and shall lay copies thereof, together with his report thereon, before both Houses of Parliament.

Administrative expenses.

15.—(1) Any expenses incurred in the administration of this Act, to such extent as may be sanctioned by the Treasury, shall be paid out of moneys provided by Parliament:

Provided that such sums for the purpose of those expenses as the Treasury may direct shall be paid from the Pensions Account and shall, in accordance with regulations made by the Treasury, be applied as an appropriation in aid of the moneys provided by Parliament for such expenses.

(2) Payments shall be made in accordance with such scale as may with the consent of the Treasury be prescribed to approved societies making returns under the Insurance Act of particulars for the purposes of this Act with respect to the insurance of any person who is or was a member of the society, and such payments shall be treated as part of the administrative expenses of this Act.

Special Classes of Insured Persons.

Exempt persons.

16.—(1) Every exempt person, being a man, shall, for the purposes of this Act relating to widows' pensions and orphans' pensions, but not for any other purpose, be deemed to be an insured person, and shall for those purposes, but not for any other purpose, be deemed to continue to be so insured during any period during which he may by virtue of any provisions of the Insurance Act be entitled to medical benefit.

(2) Where before the fourth day of January, nineteen hundred and twenty-six, contributions under the National Health Insurance Act, 1924, or any Act repealed by that Act have been paid in respect of an exempt person, then, for such of the purposes of this Act as may be prescribed, such contributions shall be treated as if they were contributions in respect of the insurance of that person, and any period during which that person was an exempt person or entitled to medical benefit shall be treated as a period of insurance.

(3) Where an exempt person by whom a certificate of exemption is surrendered is at the date of the surrender of the age of forty-five or upwards, the provisions of this Act relating to old age pensions payable

thereunder shall apply in the case of that person with such modifications as may be prescribed.

(4) Where an exempt person becomes a voluntary contributor by virtue of any of the provisions of the Insurance Act, the provisions of this Act relating to old age pensions thereunder shall, if at the date of so becoming a voluntary contributor he is of the age of forty-five or upwards, apply in the case of that person with such modifications as may be prescribed.

Persons employed in excepted employments.

17.—(1) For the purposes of this Act, persons employed in an employment which is an excepted employment by virtue of a certificate given under paragraph (*b*) or paragraph (*c*) or paragraph (*d*) of Part II of the First Schedule to the Insurance Act in respect of whom contributions are payable under this Act shall be deemed to be insured as follows:—

(*a*) men in respect of whom contributions are so payable at the ordinary rates shall be deemed to be insured for the purposes of this Act relating to widows' pensions, orphans' pensions, and old age pensions;

(*b*) women in respect of whom contributions are so payable at the ordinary rates shall be deemed to be insured for the purposes of this Act relating to orphans' pensions and old age pensions;

(*c*) men in respect of whom contributions are so payable at the rates mentioned in Part IV of the First Schedule to this Act shall be deemed to be insured for the purposes of this Act relating to widows' pensions and orphans' pensions;

(*d*) women in respect of whom contributions are so payable at the rates mentioned in Part IV of the First Schedule to this Act shall be deemed to be insured for the purposes of this Act relating to orphans' pensions.

(2) The provisions of the Insurance Act relating to the continuous insurance of persons ceasing to be employed shall, for the purposes of this Act, apply, subject to such modifications as may be prescribed, to persons who under this section are deemed to be insured, and for the purpose of this subsection persons who, being persons employed in an employment which is an excepted

employment by virtue of a certificate given under paragraph (*b*) or paragraph (*c*) of Part II of the First Schedule to the Insurance Act, are under this section deemed to be insured and in the case of whom contributions under this Act either cease to be payable or become payable at the reduced rates mentioned in Part IV of the First Schedule to this Act instead of at the ordinary rates shall be treated as though they had ceased to be employed.

(3) Where at or within the prescribed period before the fourth day of January, nineteen hundred and twenty-six, a person was employed in an excepted employment to which this section applies, then, for such of the purposes of this Act as may be prescribed, contributions shall be deemed to have been paid in respect of him for each week before that date during the period in which he was continuously so employed, and every such week shall be deemed to be a week which has elapsed since the date of his entry into insurance.

(4) Where a person is employed in an employment which is an excepted employment by virtue of paragraph (*k*) of Part II of the First Schedule to the Insurance Act (which relates to employment otherwise than by way of manual labour and at a rate of remuneration exceeding in value two hundred and fifty pounds a year), he shall, for the purposes of this Act, be treated as employed in an employment which is an excepted employment by virtue of that paragraph and not in an employment which is an excepted employment by virtue of a certificate given under any other paragraph of that Part of that Schedule, notwithstanding that the employment in which he is engaged is an employment which is an excepted employment also by virtue of such a certificate, and his employment shall not be deemed to be an excepted employment to which this section applies.

(5) Where a person who has been employed in an excepted employment to which this section applies has, on retirement from such employment whether before or after the commencement of this Act, been granted a superannuation allowance, then—

(*a*) if he was a person in respect of whom no contributions were, or would had he continued to be so employed on or after the fourth day of

January, nineteen hundred and twenty-six, have been, payable under this Act or any Act repealed by this Act while he was so employed, he shall not be capable of becoming an insured person for the purposes of this Act and shall not be entitled to any benefits under this Act, but for the purpose of the provisions of this Act relating to contributions, he shall be treated as if he were a person who had attained the age of sixty-five;

(*b*) if he was a person in respect of whom contributions were, or would had he continued to be so employed on or after the fourth day of January, nineteen hundred and twenty-six, have been, payable under this Act or any Act repealed by this Act at the rates mentioned in Part IV of the First Schedule to this Act, the provisions of this Act relating to old age pensions payable thereunder, or by virtue thereof, shall apply in the case of that person in such circumstances only, and subject to such modifications as may be prescribed:

Provided that, where a person to whom paragraph (*a*) would apply was insured at the date of his retirement, or in the case of a person who retired before the fourth day of January, nineteen hundred and twenty-six, was an insured or an exempt person at that date, he shall be treated as if he were a person to whom paragraph (*a*) did not, but paragraph (*b*) did, apply.

Where a person has been employed in an employment which would have been an excepted employment to which this section applies if the rate of his remuneration had not exceeded two hundred and fifty pounds a year, this subsection shall apply to him in manner provided in the Second Schedule to this Act.

(6) The provisions of the Insurance Act which relate to the determination by the Minister of questions relating to employment shall apply for the purposes of this Act to any question whether any employment or class of employment is an excepted employment, or any particular class of excepted employment, to which this section applies, or whether a person was or is a person employed in such an excepted employment, and

to any question as to who is or was the employer of a person employed in any such excepted employment, in like manner as if the question related to an employment within the meaning of the Insurance Act.

(7) This section shall, so far as it applies to any period whilst Part I of the National Insurance Act, 1911, was in force, have effect as if for references to a particular paragraph of Part II of the First Schedule to the Insurance Act there were substituted references to the corresponding paragraph of Part II of the First Schedule to the National Insurance Act, 1911; and shall, so far as it applies to any period before the thirtieth day of June, nineteen hundred and nineteen, have effect as if for references to two hundred and fifty pounds a year there were substituted references to one hundred and sixty pounds a year.

1 & 2 Geo. 5 c. 55.

Application of Act to persons in service of Crown.

18.—(1) The provisions of this Act shall apply to persons in the service of the Crown in the same manner and to the same extent as the Insurance Act.

(2) There shall be paid out of moneys provided by Parliament for Navy, Army and Air Force services by the Admiralty, Army Council and Air Council respectively in respect of every seaman, marine, soldier or airman, for each contribution week or part of a contribution week for which he receives pay, a contribution for the purposes of this Act at the ordinary rate.

(3) The Admiralty, the Army Council and the Air Council respectively may recover by deduction from the pay of seamen, marines, soldiers and airmen part of the contributions paid under this section to such amount, not exceeding one-half thereof, as they may think fit.

Provisions as to seamen.

19.—(1) The Minister, after consultation with the Board of Trade, may make a special order modifying in such manner as he thinks proper the provisions of this Act (but not so as to increase the rates of contributions or to decrease the rates of pension) in their application to masters and seamen, and in particular (but without prejudice to the generality of the foregoing provisions) any such order may provide for determining in the case of a ship registered in Northern Ireland the owner of which resides or has his principal place of business in Great Britain, or of a ship registered in Great Britain the owner of which resides or has his principal place of business in Northern Ireland, whether or not persons employed on the ship are to be treated as being insured for the purposes of this Act.

(2) The provisions of the Insurance Act which relate to the procedure for the making of special orders under that Act shall apply in the case of special orders made under this section.

rovisions s to short ervice onstables f the netro- olitan olice force.

20.—(1) The contribution payable under this Act in respect of a short service constable of the metropolitan police force, that is to say, a constable who is appointed for a fixed period of service, shall be an employers' contribution at the rate of ninepence a week and shall be paid out of the metropolitan police fund in respect of each contribution week, or part of a contribution week, for which he receives pay.

1 & 12 eo. 5. c. 31.

(2) A widow's pension shall not be payable under this Act to the widow of a short service constable if a pension is payable to her under the Police Pensions Act, 1921, or if under paragraph (*d*) of section three of that Act she has accepted a gratuity in lieu of a pension, and an additional allowance or orphan's pension shall not be payable under this Act in respect of a child of a short service constable if an allowance or gratuity is payable in respect of that child under the said Act of 1921.

(3) If the total weekly amount of any widow's pension and any additional allowances, or of any orphans' pensions, which but for the provisions of the preceding subsection would have been payable under this Act in right of a short service constable exceeds the total weekly amount of any widow's pension and any children's allowances, or, as the case may be, of any children's allowances, payable in right of him out of the metropolitan police fund, a sum equal to the difference between those amounts shall in respect of each week be paid into that fund out of the Pensions Account and applied in augmenting the weekly payments made out of that fund:

Provided that this subsection shall not apply in any case where a gratuity in lieu of a pension or in lieu of an allowance has been granted to, or for the benefit of, the widow or any child of the constable.

Residential Qualification of Pensioners, &c.

Residential qualification of pensioners, &c.

21.—(1) A sum shall not be paid on account of a pension—

(*a*) to or in respect of any person unless that person is either in Great Britain or in some part of His Majesty's dominions outside Great Britain; or

(*b*) unless payment of the sum is obtained within three months after the date on which it has become payable.

In calculating the said period of three months there shall be excluded any period during which, by virtue of the provisions of the Third Schedule to this Act, no sum on account of the pension may be paid.

(2) For the purposes of paragraph (*b*) of the preceding subsection, any sum accruing due on account of a pension which a rate-aided person of unsound mind who is detained as such in any mental hospital or is being maintained as such in any other place is entitled to receive shall, notwithstanding his incapacity to give a receipt therefor, be regarded as becoming payable on the date on which it would have become payable if he had not been so incapacitated.

Provisions as to pensions payable to or in respect of persons in His Majesty's dominions outside Great Britain.

22.—(1) The following provisions shall have effect with respect to persons who are in any part of His Majesty's dominions outside Great Britain, whether they left Great Britain before or after the commencement of this Act, that is to say,—

(*a*) if any such person as aforesaid, being at the date when he last left Great Britain an insured person, dies or attains the age of sixty-five—

(i) while he continues to be insured; or

(ii) in the case of a person ceasing to be insured before the expiration of twelve months from the date when he last left Great Britain, then before the expiration of those twelve months,

he shall in the last-mentioned case be deemed to have continued to be insured until the date on which he died or attained the age of sixty-five, and in either case contributions shall be deemed to have been paid in respect of him from the date when he last left Great Britain until the date on which he died or attained the age of sixty-five :

Provided that, in a case where a pension is claimed in respect of the insurance of a person to whom proviso (i) to subsection (1) section nine of this Act applies the provisions of this paragraph shall have effect as if for the words " or attains the age of sixty-five " there were substituted the words " or if the period of five years from the " date on which he entered into insurance " expires " and as if for the words " or attained the age of sixty-five " (in both places where those words occur) there were substituted the words " or on which the period of five years " from the date on which he entered into " insurance expired " ;

(*b*) if any such person as aforesaid being other than a married woman and being at the date when he last left Great Britain an insured person was either—

(i) a voluntary contributor under the Insurance Act ; or

(ii) a person entitled to become such a contributor,

he may at any time before the date when he ceases to be insured, or, if he ceases to be insured before the expiration of twelve months from the date when he last left Great Britain, then before the expiration of those twelve months, give notice in writing to the Minister that he desires to become a voluntary contributor for the purposes of this Act, and thereupon contributions shall become payable by him at the ordinary rates as from the week following that in respect of which the last contribution under this Act was payable by or in respect of him and shall continue to be so payable until he attains the age of sixty-five, and, if before the date on which he gives such notice as aforesaid he has ceased to be insured, he shall, nevertheless, be deemed to have continued to be insured for the purposes of this Act until that date.

(2) The Minister may make a special order adapting in such manner as he thinks necessary the provisions of paragraph (*b*) of subsection (1) of this section so as to make them applicable to any person who has served in the Navy, Army, or Air Force services, or as a master or seaman, and who, if he had returned to Great Britain at the expiration of his service, would have been entitled to become a voluntary contributor.

The provisions of the Insurance Act which relate to the procedure for the making of special orders under that Act shall apply in the case of special orders made under this subsection.

(3) The provisions of the Insurance Act relating to the position of insured persons who cease to pay contributions as voluntary contributors shall apply, subject to such modifications as may be prescribed by regulations, to persons who, having become voluntary contributors under paragraph (*b*) of subsection (1) of this section, have subsequently ceased to pay contributions, and the provisions of the said Act relating to the minimum number of contributions to be paid in any year by voluntary contributors shall also apply to such persons, other than provisions whereby men who on attaining the age of sixty, and women who on attaining the age of fifty-five, have been continuously insured for ten years may pay a smaller number of contributions in any year.

(4) Payments in respect of a pension which by virtue of the provisions of this Act may be made to a person in a part of His Majesty's dominions outside Great Britain shall, notwithstanding any other provisions of this Act relating to the time and manner of paying pensions, be made at such intervals and in such manner as the Minister, with the approval of the Treasury, may determine, and subject to such arrangements, if any, as the Secretary of State may make with the Government of that part of those dominions.

(5) The Minister may make regulations under this Act for the purpose of carrying this section into effect, and in particular with respect to the notices to be given and the information to be supplied by persons claiming privileges under this section, and with respect to the intervals at which, and the manner in which, contributions

under paragraph (*b*) of subsection (1) of this section are to be paid.

(6) The provisions of this section shall not apply in the case of any person in a part of His Majesty's dominions outside Great Britain with which reciprocal arrangements with respect to pensions are for the time being in force under this Act.

Disqualifications, Provisions against Double Pensions, &c.

Disqualifications.

23. The provisions set out in the Third Schedule to this Act shall have effect with respect to disqualifications for the receipt of pensions, including additional allowances, under or by virtue of this Act.

Women disqualified for receiving pensions in certain cases.

24. A woman shall not be entitled to, and shall be disqualified from receiving payment of, a widow's pension (other than such part thereof as is payable by way of an additional allowance), if and so long as she and any person are cohabiting together as man and wife.

Provisions against double pensions.

25.—(1) A pension or an additional allowance under this Act shall not be payable to or in respect of any person to or in respect of whom a service dependants pension within the meaning of this Act is payable, except where such a pension is payable in respect of the service of the pensioner's son or stepson during the late war:

Provided that—

(i) regulations may be made by the Minister and the service pension authority concerned for excluding from the provisions of this subsection such service dependants pensions as may be prescribed, being service dependants pensions calculated with reference to the necessities of the pensioner, and such regulations may make special provision with reference to the administration of pensions under this Act payable in the case of persons entitled to such excluded pensions; and

(ii) where the amount of the service dependants pension is less than the amount of the pension, including additional allowances, if any, which would apart from this section have been payable under this Act, there shall be payable out of the Pensions Account to the service pension authority a sum equal to the difference between the said last-mentioned amount and the amount of the service dependants pension, and thereupon the service dependants pension shall be increased by that sum.

In calculating for the purposes of this subsection the amount of a service dependants pension,—

(*a*) where the service dependants pension is payable to or in respect of a person being one of a married couple living together in the same house, the husband and wife shall each be treated as in receipt of a pension of half the amount of such service dependants pension;

(*b*) where service dependants pensions are payable to or in respect of a widow and her children, the amount of the service dependants pension payable to the widow shall be treated as including the pensions payable in respect of her children.

(2) An orphan's pension shall not be payable in respect of a child in respect of whom an additional allowance is claimable.

(3) Not more than one additional allowance, or one orphan's pension, shall be payable in respect of any one child.

(4) Not more than one old age pension, whether under this Act or the Old Age Pensions Act, 1936, shall be payable to any one person, and an old age pension shall not be payable to any woman so long as she is entitled to a widow's pension:

Provided that the right to a pension under this Act shall not affect any right to, or to the continuance of, a pension payable under the Old Age Pensions Act, 1936, to a blind person who has not attained the age of seventy.

Provisions applicable where a person entitled to pension receives outdoor relief.

26.—(1) Where during any period outdoor relief has been granted to or on account of any person who, though entitled to a pension, is not at that time receiving payments on account thereof, and either—

(*a*) that relief would not have been granted if that person had then been receiving payment on account of a pension; or (*b*) that relief is in excess of the amount which would have been granted to that person if he had been receiving payment on account of a pension;

the Minister may, if any sum accruing in respect of any part of the period aforesaid on account of a pension becomes subsequently payable, treat the sum so payable as reduced for the purposes of this Act by an amount not exceeding such an amount as the authority granting the relief certify to have been so paid or so paid in excess, as the case may be, in respect of the period in respect of which the said sum accrued, and the Minister may pay to that authority the amount by which the said sum is treated as having been reduced as aforesaid.

(2) This section shall extend to a case where any sum becomes subsequently payable on account of an additional allowance or orphan's pension payable in respect of a child on account of whom any such relief as aforesaid has been granted in like manner as to a case where a sum on account of a pension becomes subsequently payable to a person to or on account of whom such relief as aforesaid has been granted, and shall apply in such a case subject to the necessary modifications.

Provisions as to sickness or other benefit paid to person entitled to old age pension.

25 & 26 Geo. 5. c. 8.

24 & 25 Geo. 5. c. 29.

27. If it appears to the Minister that any sums have been paid to any person by way of sickness or disablement benefit under the Insurance Act, or of benefit under Part III of the Unemployment Insurance Act, 1935, or of an allowance under the Unemployment Assistance Act, 1934, in respect of any period subsequent to the date on which an old age pension under this Act began to accrue to that person, the Minister may direct that the sums so paid shall be treated as advances made to that person on account of the old age pension, and may deduct an equivalent amount from any payments accruing on account of the old age pension in respect of the said period and may pay the amount so deducted to the funds of the claimant's approved society, or to the Deposit Contributors Fund, or to the Unemployment Fund, or to the Unemployment Assistance Fund, as the case may be.

Power to modify existing superannuation schemes.

28.—(1) Where, before the fourth day of January, nineteen hundred and twenty-six, any pension scheme has been established otherwise than by Act of Parliament (including a scheme established under powers conferred by Act of Parliament), whereby benefits are provided corresponding to any of the benefits secured by this Act, and the pension authority desire, in consequence of the provisions of this Act, to modify the scheme as respects insured persons who may become entitled to corresponding benefits under or by virtue of this Act, but under the instrument regulating the scheme are unable to do so either absolutely or without undue delay or expense, the pension authority may submit to the Chief Registrar of Friendly Societies proposals for conferring on them the powers necessary for the purpose, and the Chief Registrar may confirm the proposals, subject to such conditions, if any, as he thinks fit to impose, and thereupon, subject to compliance with such conditions, if any, the pension authority may modify the scheme as respects such persons as aforesaid by reducing the amount of the benefits payable under the scheme and the contributions payable thereunder, and by making such other alterations in the scheme as may appear to them expedient in consequence of such reductions:

Provided that, where the pension authority is a local authority, this subsection shall have effect as if for references to the Chief Registrar of Friendly Societies there were substituted references to the Minister.

(2) Where before the date aforesaid any pension scheme has been established by Act of Parliament whereby benefits are provided corresponding to any of the benefits secured by this Act, the pension authority may submit to the Chief Registrar of Friendly Societies an amending scheme for reducing, as respects insured persons who may become entitled to corresponding benefits under or by virtue of this Act, the benefits payable under the scheme and the contributions payable thereunder, and may make such other alterations in the scheme as appear to them expedient in consequence of such reductions; and the Chief Registrar, after giving persons affected by the proposed scheme or their representatives the opportunity of objecting, and after considering any objection so made, may confirm the scheme; and on any such amending scheme being so confirmed

the Act by which the scheme is established shall have effect subject to the provisions of the amending scheme:

Provided that, where the pension authority is a local authority, this subsection shall have effect as if for references to the Chief Registrar of Friendly Societies there were substituted references to the Minister.

(3) Where by any public general Act in force before the date aforesaid provision is made for the establishment of a general scheme of superannuation whereby persons in return for contributions payable thereunder become entitled to benefits corresponding to any of the benefits secured by this Act, any local authority or combination of local authorities which are at the commencement of this Act or have hereafter become or propose to become a pension authority to which the first-mentioned Act applies may submit to the Minister a scheme modifying the first-mentioned Act so far as it relates to insured persons who may become entitled to any of the benefits secured by this Act and who may also become entitled to receive from the pension authority corresponding benefits under the first-mentioned Act—

(*a*) by reducing the superannuation allowance payable under the first-mentioned Act to any such person by such amount as may be specified in the scheme, not exceeding the amount of the pension to which he and, if he is married, his wife may become entitled under or by virtue of this Act;

(*b*) by reducing the contributions payable under the first-mentioned Act by any such person by such amount as may be specified in the scheme;

and the scheme may make such financial adjustments (including any alteration in any annual charge payable by the pension authority which may have been fixed under the first-mentioned Act) as may be appropriate in the circumstances, and the Minister may, after giving persons affected by the proposed scheme or their representatives an opportunity of objecting, and after considering any objection so made, confirm the scheme, and upon any such scheme being so confirmed the first-mentioned Act, in relation to the pension authority and such persons as aforesaid shall have effect subject to the provisions of the scheme.

(4) No alteration in any particular scheme, or in any general scheme in its application to any particular pension authority, shall be made by a scheme under this section which will prejudicially affect the solvency of the particular scheme, or of the general scheme in its application to that authority, or increase the liability of the person, if any, liable for the solvency thereof.

(5) The powers conferred on a pension authority by a scheme under this section may include power to pay on behalf of any person in receipt of a superannuation allowance from the pension authority any contribution under this Act or the Insurance Act payable by such person, and, if the pension authority think fit, to deduct the amount thereof from the superannuation allowance payable to him.

(6) This section shall not, nor shall any scheme thereunder, except in such cases and to such extent as may be prescribed, affect the benefits of or contributions by any person employed in an employment which is an excepted employment by virtue of a certificate given under paragraph (*b*) or paragraph (*c*) or paragraph (*d*) of Part II of the First Schedule to the Insurance Act.

(7) For the purposes of this section, the expression "local authority" means the council of any county or municipal or metropolitan borough or urban or rural district, and any other local authority within the meaning of the Local Loans Act, 1875, and the expression "pension authority" means any local authority or combination of local authorities or other body of persons administering a pension or superannuation scheme, and the expression "Act of Parliament" includes a Provisional Order confirmed by Act and an Order having the effect of an Act.

38 & 39 Vict. c. 83.

Administrative Provisions, &c.

Date of commencement and cesser of, and mode of paying, pensions.

29.—(1) Subject to the provisions of this section, a pension shall begin to accrue—

(*a*) if the claim is made within three months from the date on which the claimant becomes entitled to the pension, then on that date; and

(*b*) if the claim is not made within three months from that date, then at the beginning of the period of three months immediately preceding the date on which the claim is made.

(2) A pension shall, subject to any directions of the Minister in special cases, be paid weekly in advance in such manner and subject to such conditions as to identification or otherwise as the Minister with the approval of the Treasury may direct.

(3) Where the date on which a pension would begin to accrue under this Act is a day in the week other than that prescribed as the day in the week on which the weekly payments on account of pensions of that class are to be made, the pension shall not begin to accrue until such prescribed day in the week occurring next after the first-mentioned date.

(4) Where the date on which a pension or additional allowance under this Act would cease to be payable is a day in the week other than that immediately preceding the day in the week so prescribed as aforesaid, the pension or allowance shall continue payable in respect of the days in the week up to but not including such prescribed day:

Provided that, where a pension would cease to be payable by reason only of the person entitled thereto attaining the age of seventy, the pension shall continue to be payable in respect of any days intervening between the day prior to the day on which that person attains the age of seventy and the day in the week on which pensions under the Old Age Pensions Act, 1936, are payable.

(5) For the purposes of this and the next succeeding section, an additional allowance shall, unless the context otherwise requires, be deemed to be a separate pension.

Claims and appeals.

30.—(1) Subject to the provisions of this Act and in accordance with any regulations made thereunder, all claims for or in respect of pensions shall be made to the Minister.

(2) If any person is dissatisfied by the award or decision of the Minister in respect of any pension, the question shall on application being made within the prescribed time be referred to one or more referees selected in accordance with regulations made by the National Health Insurance Joint Committee (hereinafter called the Joint Committee) from a panel of referees to be appointed in accordance with regulations so made, and

the decision of the referee or referees shall be final and conclusive:

Provided that nothing in this subsection shall be construed as requiring such a reference to be made as respects any matter which by this Act is a matter within the discretion of the Minister, or a matter which the Minister has power to determine under any provisions of the Insurance Act as applied by this Act.

Revision of awards and decisions.

31.—(1) The Minister may at any time and from time to time revise any award made or decision given by him under this Act or any Act repealed by this Act, if it appears to him that the award or decision was erroneous either in view of new facts which have been brought to his notice since the date on which it was made or given or by reason of some mistake having been made with respect to the facts or the law:

Provided that the provisions of this subsection shall not apply—

(*a*) to an award or decision relating to a matter which has been referred to referees under the preceding section; or

(*b*) if the time for making an application to have the matter to which the award or decision relates referred to referees has not expired; or

(*c*) to an award made by the Minister for the purpose of giving effect to a decision given by referees;

unless in a case falling within paragraph (*a*) or paragraph (*b*) the person on whose application the reference was made, or who is entitled to apply to have the matter referred, as the case may be, consents.

(2) If in any case in which a decision has been given by referees with respect to a matter referred to them under the preceding section it appears to the Minister that the referees might properly be asked to reconsider the decision in view either of new facts which have been brought to his notice since the date on which the decision was given or of any apparent inconsistency between the decision and any other decision subsequently given either by the court or by referees, he may direct that the matter shall be referred to referees for reconsideration.

(3) A revised award made or revised decision given by the Minister under this section shall take effect as follows:—

(*a*) where by virtue of the revised award or decision a pension will become payable to any person or a pension will be increased, it shall take effect—

(i) if made or given by reason of a new fact having been brought to the notice of the Minister, as from the date on which the application for revision was made; and

(ii) in any other case, as from the date on which the original award or the original decision took effect;

(*b*) where by virtue of the revised award or decision a pension will cease to be payable or will be reduced, it shall take effect as from the date on which notice of the revised award or decision is given by the Minister to the person concerned.

(4) Where any decision is revised under this section by referees, the revised decision and any award made by the Minister for the purpose of giving effect thereto shall have effect as from such date as the referees may determine.

(5) The provisions of the last preceding section with respect to references shall apply in relation to any revised award made or revised decision given by the Minister under this section as they apply in relation to an original award or decision.

(6) The foregoing provisions of this section with respect to the date as from which a revised award or revised decision is to take effect shall not be construed as affecting the operation of the provisions of this Act relating to the repayment of sums overpaid.

Regulations by Minister.

32.—(1) The Minister, in conjunction with the Treasury so far as relates to matters with respect to which the Treasury so direct, and in conjunction with the Postmaster-General so far as relates to the Post Office, may make regulations generally for carrying this Act into effect, and in particular—

(*a*) for prescribing the manner in which claims to pensions may be made, and for enabling pensions to be paid through the Post Office;

(*b*) for prescribing the procedure to be followed on references under this Act, and for applying for the purposes of any such reference any of the provisions of the Arbitration Acts, 1889 to 1934, as amended by any subsequent enactment, and for excluding the application of any of the other provisions of those Acts;

(*c*) for authorising in such cases as may be prescribed the payment of any sum by way of pension during any period intervening between the making of any claim or the referring of any question and the final determination of the claim or question;

(*d*) for providing for the apportionment as between the appropriate National Health Insurance Fund and the Pensions Account of sums received on account of contributions;

(*e*) for enabling, in such cases as may be prescribed, contributions in respect of employed persons which have not been paid on the due dates to be treated as having been so paid;

(*f*) for enabling a person to be appointed to exercise on behalf of any claimant or person entitled to or in receipt of a pension who is, by reason of any mental or other incapacity, unable to act, any right to which that claimant or person may be entitled under this Act, and to authorise any person so appointed to receive on behalf and for the benefit of the claimant or person any pension;

(*g*) for providing that, notwithstanding anything in section twenty-one of this Act, but subject to the regulations—

(i) in the case of the death of a person who was in receipt of a pension, payment may be made of any sum which became payable on account of the pension within three months before the date of his death, but has not been paid;

(ii) in the case of the death of a person who being entitled to a pension had made a claim thereto, payment may be made of any sum which, if his claim had been allowed immediately before his death, would have become payable on account of the pension up to the date of his death;

(iii) in the case of the death of any person who was entitled to a pension but had made no claim thereto, payment may be made of any sum which, if a claim had been made immediately before his death, would have become payable on account of the pension up to the date of his death;

(*h*) for providing that, subject to the regulations, probate or other proof of the title of the personal representatives of the deceased person may be dispensed with in the case of any such sum as is mentioned in the last preceding paragraph, and that any such sum may be paid or distributed to or among the persons appearing in manner provided by the regulations to be entitled to receive the said sum or any part thereof, either as being persons beneficially entitled thereto under any testamentary instrument or as next of kin, or as being creditors of the deceased person, or to or among any one or more of such persons exclusive of the others, or, in the case of any illegitimacy of the deceased person or any child of his, to or among such person or persons as may be directed by the regulations; and

(*i*) for prescribing anything which under this Act is to be prescribed.

(2) Regulations made under this section shall also provide that any pension which a rate-aided person of unsound mind who is detained as such in any mental hospital, or is being maintained as such in any other place, may be entitled to receive shall be paid to some local authority or other person to be administered—

(*a*) in providing, up to such amount as may be prescribed by the regulations, additional comforts for the pensioner; and

(*b*) for the benefit of such dependants of the pensioner as are not contributing to the expenses incurred by any poor law authority in respect of his support:

Provided that the regulations shall provide that, where the pensioner has no such dependants, such sum only as may be required for the purpose of providing additional comforts for him shall be paid to the local authority or person administering the pension.

(3) Regulations made under this section shall be laid before both Houses of Parliament as soon as may be after they are made and shall have effect as if enacted in this Act:

Provided that, if an address is presented to His Majesty by either House within the next subsequent twenty-one days on which that House has sat next after the regulation is laid before it, praying that the regulation may be annulled, His Majesty may by Order in Council annul the regulation, but without prejudice to the validity of anything previously done thereunder.

Regulations by Registrar-General.

33.—(1) Regulations made by the Registrar-General under the Births and Deaths Registration Acts, 1836 to 1929, may provide for the furnishing by Superintendent Registrars, Registrars of Births and Deaths, and Registrars of Marriages, subject to the payment of the prescribed fee, of such information for the purposes of this Act, including copies of or extracts from the registers under their charge, as may be prescribed.

(2) The power given to the Minister, or to the Registrar-General with the consent of the Minister, by section forty-four of the Births and Deaths Registration Act, 1874, by order to alter from time to time all or any of the forms contained in the Schedules to the Births and Deaths Registration Act, 1836, as amended by any subsequent enactment, in such manner as may appear best for carrying into effect the Births and Deaths Registration Act, 1836, or to prescribe new forms for that purpose, shall include a power to alter the said forms or to prescribe new forms in such manner as may appear to them best adapted for carrying into effect any of the purposes of this Act.

37 & 38 Vict. c. 88.

6 & 7 Will. 4. c. 86.

(3) The provisions of the Insurance Act which enable certificates of births, deaths and marriages to be obtained for the purposes of that Act on payment of a reduced fee shall apply for the purpose of enabling certificates of births, deaths and marriages to be obtained for the

purposes of this Act on payment of a fee of one shilling in each case.

Co-ordinating power of National Health Insurance Joint Committee.

34. The Joint Committee shall exercise and perform such powers and duties of the Minister and the Department of Health for Scotland under this Act, either alone or jointly with either of them, as may be prescribed by regulations of the Joint Committee :

Provided that, for the purpose of the exercise of any powers under this Act, the Minister of Labour for Northern Ireland shall not, nor shall his deputy, act as a member of the Joint Committee unless reciprocal arrangements made with Northern Ireland under this Act are for the time being in force.

Provisions as to reciprocal arrangements with other parts of His Majesty's dominions.

35.—(1) If provision is made by legislative enactment in any part of His Majesty's dominions outside Great Britain for the establishment therein of any scheme of health insurance and of pensions substantially corresponding to those provided by virtue of the Insurance Act and this Act, the Joint Committee may, with the consent of the Treasury, make reciprocal arrangements with the authority administering such scheme whereby periods of insurance, contributions paid, and residence, in one country shall, for the purpose of qualification for pensions in the other country, be treated as if they had been periods of insurance, contributions paid, and residence, in that other country, and whereby pensions payable by one country shall be payable to persons whilst resident in the other country:

Provided that, where reciprocal arrangements have been made with any part of His Majesty's dominions outside Great Britain for the purposes of the Insurance Act, but have not been made for the purposes of this Act, any insurance which by virtue of those reciprocal arrangements is deemed to be insurance for the purposes of the former Act shall not be deemed to be insurance for the purposes of this Act, and the expressions "insured" and "insurance" in this Act shall be construed accordingly.

(2) Provision may be made by regulations under this Act for directing that this Act shall, in relation to or in connection with any persons affected by any arrangements made under this section, apply, subject to such modifications and adaptations as may be prescribed,

and may make provision for any necessary financial adjustments.

(3) For the purposes of this section, the expression "country" means Great Britain on the one hand, and any part of His Majesty's dominions outside Great Britain which has made such provision as aforesaid on the other hand.

Pensions under Act to be inalienable, &c.

36.—(1) Every assignment of or charge on, and every agreement to assign or charge, a pension shall be void, and on the bankruptcy of the person entitled to such a pension the pension shall not pass to any trustee or other person acting on account of the creditors.

(2) Any sums received by any person by way of a pension shall not be included in calculating his means for the purpose of section five of the Debtors Act, 1869.

32 & 33 Vict. c. 62.

Penalty for false statements, repayment of sums overpaid, &c.

37.—(1) Any person who, for the purpose of obtaining or continuing a pension, either for himself or for any other person, or for the purpose of obtaining or continuing a pension for himself or for any other person at a higher rate than that appropriate to the case, knowingly makes any false statement or false representation, any person who knowingly obtains payment of, or continues to receive, a pension which he is disqualified from receiving, and any person who knowingly obtains or receives any payment as on account of a pension which for any reason whatsoever is not payable to him, shall be liable on summary conviction to imprisonment for a term not exceeding three months.

(2) If it is found at any time that a person has been in receipt of a pension during any period during which he was not entitled to payment thereof, or has been in receipt of a pension at a higher rate than that appropriate to the case, then, unless it is shown to the satisfaction of the Minister that the sum was received by the pensioner in good faith and without knowledge that he was not entitled to payment thereof, he, or, in the case of his death, his personal representative, shall be liable to repay to the Minister any sums paid to him in respect of the pension during the period aforesaid, or, as the case may be, a sum representing the difference between a pension at

the rate actually paid and a pension at the rate appropriate to the case.

(3) Any sum due to the Minister under this section may, without prejudice to the recovery thereof as a debt due to the Crown, be recovered by the Minister summarily as a civil debt, and proceedings for the summary recovery as a civil debt of any such sum may, notwithstanding anything in any Act to the contrary, be brought at any time within twelve months from the time when the matter complained of arose, or, where the complaint is in respect of a consecutive series of payments on account of pension, within twelve months from the date on which the last payment on account of pension was received.

(4) Where a person is liable under this section to repay to the Minister any sum received by way of pension, that sum may be recovered without prejudice to any other remedy, by means of deductions from any pension to which that person may thereafter be entitled.

(5) The provisions of this section shall apply with the necessary modifications in the case of a person to whom a pension or additional allowance is paid under any of the provisions of this Act for or for the benefit of any person.

General.

Local authorities.

38.—(1) Save where otherwise expressly provided, the local authority for the purposes of this Act shall be, in the case of a county borough, the borough council, and elsewhere, the county council :

Provided that, where the council of any non-county borough or urban district is both a local education authority and an authority for the purposes of the Maternity and Child Welfare Act, 1918, that council shall, as respects that borough or urban district, be the local authority for the purposes of this Act to the exclusion of the county council.

8 & 9 Geo. 5. c. 29.

(2) A county council may for the purposes of this Act make arrangements with the council of any county district (or, in London, the common council of the City of London or the council of a metropolitan borough) whose area is wholly or partly situate within the county for the

execution and performance by that council of any of the powers and duties of the county council under this Act.

(3) A local authority for the purpose of this Act, or the council of any other authority with which a county council have made arrangements under the last preceding subsection, may, if the authority is a local education authority or an authority for the purposes of the Maternity and Child Welfare Act, 1918, delegate their powers and duties under this Act to the education committee or to the maternity and child welfare committee of the authority, or if the authority is both a local education authority and an authority for the purposes of the Maternity and Child Welfare Act, 1918, partly to one such committee and partly to the other, as they think fit; and such delegation may be made subject to such restrictions and conditions, if any, as the authority think fit.

(4) Any expenses incurred by a local education committee or a maternity and child welfare committee in the execution and performance of any powers and duties so delegated shall be defrayed as expenses incurred in aid of elementary education or under the Maternity and Child Welfare Act, 1918, as the case may be, and any expenses incurred by a local authority for the purposes of this Act in the execution and performance of their powers and duties which have not been delegated to a local education committee or a maternity and child welfare committee, and any similar expenses of the council of any authority with which arrangements have been made by a county council, so far as they are not met by payments by the county council, shall be defrayed as follows:—

(*a*) in the case of a county council, as expenses for general county purposes, or, if the Minister by order so directs, as expenses for special county purposes charged on such part of the county as may be provided by the order;

(*b*) in any other case, as part of the general expenses of the council.

(5) For the purposes of this Act, the Minister may refer to the local authority for investigation and report to him any matter relating to a widow or child to or in respect of whom a widow's or orphan's pension or additional allowance is payable.

Provisions as to posthumous children.

39.—(1) In the event of a posthumous child being born, any additional allowance or orphan's pension which would have been payable in respect of the child had he been living at the date of his father's death shall be payable in respect of the child as from the date of birth.

(2) Where under any of the provisions of this Act the right of a woman to a widow's pension depends on there being at least one child living at the date of the death of her husband, then, in the event of a posthumous child being born, the child shall for the purpose of determining her right to a pension be treated as if he had been born immediately before the date of the death of the father.

Exclusion of widows' and orphans' pensions in assessment of damages.

40. In assessing damages in any action under the Fatal Accidents Acts, 1846 to 1908, whether commenced before or after the commencement of this Act, there shall not be taken into account any widows' pension, additional allowance or orphans' pension payable under this Act.

Decennial reports and revision of contributions.

41.—(1) The Government Actuary shall in the year nineteen hundred and forty-five, and in every succeeding tenth year, make a report to the Treasury on the general financial operation of this Act, the amount of contributions from the Exchequer which will be required to preserve the solvency of the Treasury Pensions Account, and the value of the benefits conferred by this Act; and every such report shall be laid before Parliament:

Provided that nothing in this provision shall be construed as preventing the Treasury from requiring additional reports to be so made at such times during the currency of any decennial period as they think fit.

(2) Unless Parliament otherwise determines, during the decennial period commencing the first day of January, nineteen hundred and forty-six, the ordinary rates of contributions shall be increased in the case of men by twopence a week (of which in the case of employed persons one penny shall be payable by the employer and one penny by the employed person), and in the case of women by one penny a week (which in the case of employed persons shall be payable by the employer), and similar additional increases shall be made in the contributions at the beginning of the decennial period

commencing the first day of January, nineteen hundred and fifty-six, so, however, that in the case of women the additional increase to be made in that decennial period shall in the case of employed persons be payable by the employed person.

(3) The rates of contributions under Part II of the First Schedule to this Act shall in the case of men be increased by one penny a week at the beginning of each such decennial period and in the case of women by one penny a week at the beginning of the decennial period commencing the first day of January, nineteen hundred and forty-six (the whole of which shall in either case be payable by the employer), but the rates of contributions under Part III and Part IV of the said Schedule shall not be liable to be increased.

(4) The increase in the rates of contributions to be made in each such decennial period shall not have effect in respect of any part of a week before the first Monday in the period.

Interpretation.

42.—(1) In this Act, unless the context otherwise requires—

"Child" includes a stepchild, and, in relation to a man, an illegitimate child, whether his or his wife's, who was living with him at the time of his death and, in relation to a woman, includes her illegitimate child who was living with her at the time of her death;

"Contributions" means contributions under this Act or the Insurance Act or any Act repealed by this Act or by the Insurance Act or under any previous enactments relating to national health insurance;

"His Majesty's dominions" includes British Protectorates and Protected States and any territory in respect of which a mandate has been accepted by His Majesty and is being exercised by the Government of any part of His Majesty's dominions;

"Minister" means the Minister of Health;

"Orphan" means a child both of whose parents are dead;

"Pension" means a pension under this Act or any Act repealed by this Act, and a pension under the Old Age Pensions Act, 1936, which is payable by virtue of this Act or any Act repealed by this Act;

"Provisions of this Act" includes any regulations made under this Act;

"Service dependants pension" means any pension or allowance payable out of moneys provided by Parliament at weekly or other periodical intervals to a person—

(*a*) in respect of the death of some other person attributable to or connected with the service of that other person in the naval, military or air forces; or

(*b*) in respect of the death of some other person attributable to or connected with the service of that other person during the late war;

and "service pension authority" means the authority or department by which the service dependants pension is administered.

(2) When the widow of a man has remarried, she shall not for the purposes of this Act be regarded as the widow of her former husband and accordingly, subject to the provisions of this Act as to the continuance of additional allowances, shall not be entitled to any pension under this Act in respect of the insurance of her former husband.

(3) Where a child born before the marriage of his parents has been legitimated by virtue of the subsequent marriage of his parents, the child shall, for the purposes of this Act, be deemed to be a child born of the marriage.

16 & 17 Geo. 5. c. 29. 20 & 21 Geo. 5. c. 37.

(4) An adopted child within the meaning of the Adoption of Children Act, 1926, or the Adoption of Children (Scotland) Act, 1930, if adopted, whether before or after the commencement of this Act, either by two spouses jointly or by one of two spouses in the lifetime of the other shall for the purposes of this Act be treated as being the child of those spouses and as not being the child of any other person :

Provided that this subsection shall not apply in the case of a child in respect of whom an additional allowance or orphan's pension was payable at the date of his adoption, or, if he was adopted under the first of the above-mentioned Acts before the second day of January, nineteen hundred and thirty, at that date.

(5) An adopted child within the meaning of the Adoption of Children (Scotland) Act, 1930, who—

(*a*) was, before the first day of October, nineteen hundred and thirty, in the custody of, and being brought up, maintained and educated by, two spouses jointly as their child under a de facto adoption; and

(*b*) continued until the aforesaid date to be in the custody of, and to be brought up, maintained and educated by, the spouses or the survivor of them; and

(*c*) was adopted by the survivor of the spouses by an order granted on an application presented before the first day of August, nineteen hundred and thirty-two,

shall be treated for the purposes of this Act as being the child of those spouses and as not being the child of any other person:

Provided that this subsection shall not apply in the case of a child in respect of whom an additional allowance or orphan's pension was payable at the date of his adoption or, if he was adopted before the thirty-first day of July, nineteen hundred and thirty-one, at that date.

(6) For the purposes of this Act, any period during which a person served in the naval, military, or air forces of the Crown during the late war shall, if he was entitled to be insured whilst so serving, be deemed to be a period during which he was insured, and contributions shall be deemed to have been paid in respect of him for every week during that period.

(7) A person who would be entitled to an old age pension under the Old Age Pensions Act, 1936, by virtue of this Act, shall, for the purposes of this Act, be deemed to be entitled thereto by virtue of this Act, notwithstanding that that person would be entitled to an old age pension under that Act independently of this Act.

Saving for certain provisions in Pensions Act of 1929. 20 & 21 Geo. 5. c. 10.

43. The provisions set out in the Fourth Schedule to this Act, being provisions contained in sections one, two and thirteen of the Widows', Orphans' and Old Age Contributory Pensions Act, 1929 (which extended the right to widows' pensions to certain widows whose husbands had died or attained the age of seventy before a specified date, and extended the right to old age pensions in the case of certain women), as amended by any subsequent enactment, shall have effect with respect to the persons therein mentioned and to the pensions payable thereunder.

Application to Scotland.

44. In the application of this Act to Scotland—

(1) References to the Minister shall be construed as references to the Department of Health for Scotland, except in section twenty-eight, in which section references to the Minister shall be construed as references to the Secretary of State; and references in the said section twenty-eight to a local authority shall be construed as references to a local authority within the meaning of the Local Authorities Loans (Scotland) Acts, 1891 to 1924.

(2) The Lunacy (Scotland) Acts, 1857 to 1919, shall be substituted for the Lunacy and Mental Treatment Acts, 1890 to 1930.

(3) The expression "workhouse or other poor law institution" means "poorhouse"; the expression "mental hospital" means "asylum"; and the expression "rate-aided person of unsound mind" means "pauper lunatic."

(4) A separate account to be called the Pensions (Scotland) Account shall be kept, and all the provisions of this Act relating to the Pensions Account (including the provisions as to the making of payments thereto from the Treasury Pensions Account) shall apply to the Pensions (Scotland) Account.

(5) Save as otherwise expressly provided, the local authority for the purposes of this Act shall be, in the case of a county the county

council, and, in the case of a burgh, the town council, and the expenses incurred by any such council under this Act shall be defrayed out of the public health general assessment.

A local authority may make arrangements for the execution and performance of any of their powers and duties under this Act either by a committee of the local authority or by a joint committee of the local authority and any other local authorities or otherwise as the local authority may determine, and any such committee or joint committee may consist partly of persons who are not members of the local authority or of any of the local authorities acting in combination, as the case may be:

Provided that, where any of the powers and duties of the local authority are executed and performed by the committee or joint committee administering the scheme of maternity and child welfare under the Notification of Births (Extension) Act, 1915, in operation within the district of the local authority, any expenses incurred by that committee or joint committee shall be defrayed as expenses incurred under that scheme.

5 & 6 Geo. 5. c. 64.

(6) Where any question is referred to referees under the provisions of subsection (2) of section thirty or of subsection (2) of section thirty-one, the referees on the application of any party to the reference at any stage of the proceedings may, and shall, if so directed by the Court of Session, state a case on any question of law arising in the reference for the opinion of the Court of Session.

(7) The following subsections shall be substituted for subsections (1) and (2) of section thirty-three:—

(1) Regulations may be made by the Registrar-General with the approval of the Department of Health for Scotland requiring every person giving information to a registrar of births, deaths and marriages of a

birth, death or marriage to furnish in writing, to the best of his knowledge and belief, such information for the purposes of this Act as may be prescribed, and any person refusing so to furnish such information or knowingly making any false statement or representation with reference to such information shall be liable on summary conviction to imprisonment for a term not exceeding three months; and the provisions of section six of the Registration of Births, Deaths and Marriages (Scotland) Act, 1854, with respect to regulations thereunder being laid before Parliament shall apply to regulations made under this subsection.

17 & 18 Vict. c. 80.

(2) Regulations made by the Department of Health for Scotland or by the Registrar-General with the approbation of the said Department under section six of the Registration of Births, Deaths and Marriages (Scotland) Act, 1854, may provide for the furnishing by registrars of births, deaths and marriages, subject to the payment of the prescribed fee, of such information for the purposes of this Act as may be prescribed.

(8) Subsection (3) of section thirty-seven shall have effect as though the word "summarily" were omitted therefrom, and nothing in that subsection shall be deemed to limit the period within which proceedings for the recovery of any civil debt may be brought.

Repeals.

45. The enactments set out in the Fifth Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule:

Provided that, without prejudice to the provisions of section thirty-eight of the Interpretation Act, 1889,—

52 & 53 Vict. c. 63.

(*a*) nothing in this repeal shall affect the right to any pension to which any person would have been entitled by virtue of the provisions of sections eighteen and nineteen and of paragraphs (*a*), (*b*) and (*c*) of subsection (1) of section twenty of the Widows', Orphans' and Old Age Contributory

15 & 16 Geo. 5. c. 70.

Pensions Act, 1925 (which relate to widows and orphans whose husbands and parents had died before the commencement of that Act, and to persons who had attained the age of seventy before the second day of January, nineteen hundred and twenty-eight), as amended by any subsequent enactment, and pensions shall be payable or continue to be payable in accordance with those provisions, and subject to the same terms and conditions, as if this Act had not been passed;

(*b*) nothing in this repeal shall affect any order, rule, regulation, arrangement or scheme made, or certificate, notice, decision, direction or approval given or thing done under any enactment repealed by this Act and every such order, rule, regulation, arrangement, scheme, certificate, notice, decision, direction or approval shall continue in force, and, shall, so far as it could have been made, issued or given under this Act, have effect as if made, issued or given under the corresponding enactment of this Act;

(*c*) any document referring to any enactment repealed by this Act shall be construed as referring to the corresponding enactment of this Act;

(*d*) any person appointed to any office under or by virtue of any enactment repealed by this Act shall be deemed to have been appointed to that office under or by virtue of this Act;

(*e*) all funds and accounts constituted under this Act shall be deemed to be in continuation of the corresponding funds and accounts constituted under the enactments repealed by this Act;

(*f*) references in this Act to persons insured thereunder shall, so far as necessary for the purpose of preserving any accruing right, be construed as including references to persons so insured under the enactments repealed by this Act, and any contributions paid in respect of any persons under the enactments repealed by this Act shall, for the purposes of this Act, be treated as if they had been paid under the corresponding enactments of this Act.

Short title, commencement and extent.

46.—(1) This Act may be cited as the Widows', Orphans' and Old Age Contributory Pensions Act, 1936.

(2) This Act shall come into force on the first day of January, nineteen hundred and thirty-seven.

(3) This Act shall not extend to Northern Ireland.

SCHEDULES.

Sections 12, 17, 40.

FIRST SCHEDULE.

RATES OF CONTRIBUTIONS.

PART I.

ORDINARY RATES OF CONTRIBUTIONS.

—	Rate of contribution per week.	Payable in case of employed persons.	
		By the employer.	By the employed person.
Contributions in case of men	11*d.*	5½*d.*	5½*d.*
Contributions in case of women	5½*d.*	2½*d.*	3*d.*

PART II.

RATES OF CONTRIBUTIONS IN RESPECT OF PERSONS EMPLOYED WITHIN THE MEANING OF THE INSURANCE ACT WHO HAVE ATTAINED THE AGE OF SIXTY-FIVE.

Contributions in case of men	10*d.*	10*d.*	—
Contributions in case of women	7*d.*	7*d.*	—

PART III.

RATES OF CONTRIBUTIONS IN RESPECT OF EXEMPT PERSONS.

Contributions in case of men	7*d.*	4½*d.*	2½*d.*
Contributions in case of women	2½*d.*	2½*d.*	—

Part IV.

1st Sch. —*cont.*

Rates of Contributions in respect of Persons Employed in any Employment which is an Excepted Employment to which Paragraphs (*d*) or (*e*) of Subsection (1) of Section Twelve of this Act apply, and who are Insured for all Pensions except Old Age Pensions.

—	Rate of contribution per week.	Payable by the employer.	Payable by the employed person.
Contributions in case of men -	7*d.*	3½*d.*	3½*d.*
Contributions in case of women	3½*d.*	2*d.*	1½*d.*

SECOND SCHEDULE.

Section 17 (5).

Application of Subsection (5) of Section Seventeen to a Person whose Remuneration exceeded Two Hundred and Fifty Pounds a Year.

Where a person who has been employed in an employment which would have been an excepted employment within the meaning of section seventeen of this Act had the rate of his remuneration not exceeded two hundred and fifty pounds a year has on retirement from such employment, whether before or after the commencement of this Act, been granted a superannuation allowance, then—

(i) paragraph (*a*) of subsection (5) of the said section shall apply to him if, had the rate of his remuneration not exceeded the amount aforesaid, no contributions under this Act or any Act repealed by this Act would, or would had he continued in the employment after the fourth day of January, nineteen hundred and twenty-six, have been payable in respect of him;

(ii) paragraph (*b*) of subsection (5) shall apply to him if, had the rate of his remuneration not exceeded the amount aforesaid, contributions at the rates mentioned in Part IV of the First Schedule to this Act would, or would had he continued in the employment after the fourth day of January, nineteen hundred and twenty-six, have been payable in respect of him:

2nd Sch. —*cont.*

Provided that, where a person to whom paragraph (*a*) of the said subsection would by virtue of the foregoing provisions of this Schedule apply is a person—

(i) who retired before the fourth day of January, nineteen hundred and twenty-six and was an insured or exempt person on that date; or

(ii) who retired on or after that date and was insured at the date of his retirement,

he shall be treated as if he were a person to whom paragraph (*a*) of the said subsection did not, but paragraph (*b*) thereof did, apply.

Sections 7, 21, 23

THIRD SCHEDULE.

Disqualifications for Receipt of Pensions.

1. Where during any period a person—

(*a*) is an inmate of any workhouse or other poor law institution; or

(*b*) is detained in prison in pursuance of an order made on his conviction for any offence and directing him to be imprisoned without the option of a fine, or to suffer any greater punishment; or

(*c*) is being maintained in any place as a rate-aided person of unsound mind or as a criminal lunatic, or is detained in any mental hospital within the meaning of the Lunacy and Mental Treatment Acts, 1890 to 1930,

then, subject to the provisions of this Schedule, he shall be disqualified for receiving any sum accruing during that period on account of any pension which would otherwise be payable to him, and if before the commencement of that period any sum has accrued on account of a pension payable to him, that sum shall not be paid to him during the continuance of the said period:

Provided that this paragraph, so far as it relates to maintenance in any place as a rate-aided person of unsound mind or to detention in a mental hospital, shall not apply to a person who is entitled to a pension under sections three, four or eight of this Act, or who, having been so entitled, is entitled to an old age pension under the Old Age Pensions Act, 1936, by virtue of paragraph (*a*) of section eleven of this Act, or to a person who is entitled to an old age pension under the Old Age Pensions Act, 1936, by virtue of paragraph (*b*) or (*c*) of the said section eleven.

2. For the purposes of this Schedule, a person who has become an inmate of any workhouse or other poor law institution for the purpose of obtaining medical or surgical treatment shall not be treated as being such an inmate so long as he continues to require such treatment, and, for the purposes of this Schedule as it applies to pensions under this Act, an additional allowance or an orphan's pension payable in respect of any child shall be treated as if it were a pension payable to that child, but save as aforesaid nothing in the provisions of this Schedule shall affect the right to payment of an additional allowance or orphan's pension in respect of a child.

FOURTH SCHEDULE.

Section 43.

Provisions conferring a right to a widow's pension in the case of certain widows whose husbands died or attained the age of seventy before a specified date, and conferring a right to an old age pension in the case of certain women.

Extension of right to Widows' Pensions.

1. A widow shall, subject as hereinafter provided, be entitled to a widow's pension payable in accordance with the provisions of this Act relating to such a pension, if she has attained the age of fifty-five and is the widow of a man—

(*a*) who died before the fourth day of January, nineteen hundred and twenty-six, and as respects whom it is shown either—

(i) that he was at some time within three years before his death, or, if he lived to attain the age of seventy, within three years before the date on which he attained that age, registered as a member of an approved society or as a deposit contributor; or

(ii) that his normal occupation was at some time within the said period employment in respect of which contributions under this Act would have been payable if this Act had been in force at that time; or

(iii) that during the late war he served in the naval, military, or air forces of the Crown, or as a master or seaman, for a period of not less than two years and was entitled to be insured while so serving, and died within three years of the termination of that period; or

(iv) that having volunteered for temporary service abroad in the naval or military forces of the Crown

4TH SCH. —*cont.*

in connection with any naval or military operations previous to the late war, he served during those operations as a man of those forces for a period of not less than one year and died within three years of the termination of that period; or

(*b*) who died between the third day of January, nineteen hundred and twenty-six, and the first day of January, nineteen hundred and thirty-one, and as respects whom it is shown that at some time within three years before the date of his death or the date on which by reason of his age contributions ceased to be payable in respect of him, his normal occupation was employment of such a kind as is specified in paragraph (*f*) or paragraph (*g*) of Part I of the First Schedule to the Insurance Act; or

(*c*) who, having attained the age of seventy after the fifteenth day of July, nineteen hundred and twelve, and before the fourth day of January, nineteen hundred and twenty-six, died on or after the latter date and was at the time of his death or would, if he had survived the second day of July, nineteen hundred and twenty-six, have been, entitled to an old age pension under any enactment relating to old age pensions, by virtue of any enactment repealed by this Act, by reason that he on attaining the age of seventy was an insured person who had been continuously insured since the twenty-ninth day of April, nineteen hundred and twenty-five, or, if he attained the age of seventy before that date, that he was an insured person on attaining that age; or

(*d*) who having attained the age of seventy on or before the fifteenth day of July, nineteen hundred and twelve, died on or after the fourth day of January, nineteen hundred and twenty-six, and as respects whom it is shown that his normal occupation was at some time within three years before the date on which he attained the said age, employment in respect of which contributions under this Act would have been payable if this Act had been in force at that time:

Provided that—

(i) the widow of a man mentioned in sub-paragraphs (*b*), (*c*), or (*d*) of this paragraph shall not, if the marriage took place after the twenty-fifth day of July, nineteen hundred and twenty-nine, become entitled to a pension unless at the date of his death three years have elapsed since the date of the marriage or unless immediately before the marriage she was, or but for any disqualification for the receipt of a pension contained in section twenty-four or section twenty-five of this Act would have been, in receipt of a widow's pension;

(ii) in the case of a man who was an exempt person, or a person employed in an excepted employment, sub-paragraph (*c*) of this paragraph shall apply subject to the prescribed modifications;

(iii) a widow's pension under this paragraph shall not be payable to a woman while a widow's pension is payable to her by virtue of any enactment repealed by this Act whereby a widow's pension became payable to a woman whose husband had died before, or whose husband had attained the age of seventy before, and died after, the commencement of the Widows', Orphans' and Old Age Contributory Pensions Act, 1925;

(iv) a widow shall not be entitled to a widow's pension under this paragraph unless she was resident in Great Britain on the twenty-fifth day of July, nineteen hundred and twenty-nine, and for a period of two years immediately before the date on which she would, but for this provision, have become entitled to the pension.

2. If as respects any period before the thirtieth day of June, nineteen hundred and nineteen, any question arises under sub-paragraph (*a*) of the preceding paragraph, whether contributions would have been payable under this Act if this Act had then been in force, that question shall be determined as if in paragraph (*k*) of Part II of the First Schedule to the Insurance Act the words " one hundred and sixty pounds " were substituted for the words " two hundred and fifty pounds " wherever those words occur.

3. Subsection (2) of section forty-two of this Act shall, in relation to the widow of a man to whom sub-paragraph (*a*) of paragraph 1 of this Schedule applies, have effect as if for the words " in respect of the insurance of her former husband " there were substituted the words " in respect of the insurance or employment of her former husband."

4. The provisions of the Insurance Act relating to the determination by the Minister of questions relating to employment shall apply to any question arising under paragraph 1 of this Schedule whether employment which was, or is alleged to have been, the normal occupation of any person was employment in respect of which contributions under this Act would have been payable if this Act had been in force or, as the case may be, was employment of such a kind as is specified in paragraph (*f*) or paragraph (*g*) of Part I of the First Schedule to the Insurance Act, in the like manner in either case as if the question were a question whether any employment or class of employment is or will be employment within the meaning of the

4th Sch. —*cont.*

Insurance Act or whether a person is or was a person employed within the meaning of that Act.

5. A man who was at the commencement of the period of three years immediately preceding his death, or, if he lived to attain the age of seventy, at the commencement of the period of three years immediately preceding the date on which he attained that age, either—

(*a*) incapable of work by reason of some specific disease or bodily or mental disablement; or

(*b*) available for but unable to obtain such employment as is hereinafter mentioned,

shall, if, when he became incapable of work or ceased to be employed, his normal occupation or, in the case of a man having more than one normal occupation, any one of his normal occupations, was employment in respect of which contributions under this Act would have been payable if this Act had been in force at that time, be deemed to be a man whose normal occupation was at some time during the said period such employment as aforesaid.

Extension of right to old age pensions in the case of certain women.

6. A woman who has attained the age of sixty-five but has not attained the age of seventy shall, subject as hereinafter provided, be entitled to an old age pension payable in accordance with the provisions of this Act relating to such a pension if she is the wife of a man who is entitled to an old age pension under the Old Age Pensions Act, 1936, by virtue of any enactment repealed by this Act, by reason that he had attained the age of seventy before the second day of January, nineteen hundred and twenty-eight, and was on attaining that age an insured person and had been continuously insured since the twenty-ninth day of April, nineteen hundred and twenty-five, or if he attained the age of seventy before the latter date, was at the time of attaining that age an insured person :

Provided that a woman shall not be entitled to a pension under this paragraph unless or until three years have elapsed since the date of the marriage or unless immediately before the marriage she was, or but for any disqualification for the receipt of a pension contained in section twenty-four or section twenty-five of this Act would have been, in receipt of a widow's pension.

7. A widow who had attained the age of seventy years before the first day of July, nineteen hundred and thirty, shall be entitled to an old age pension under the Old Age Pensions Act, 1936, if she would have become entitled to a

widow's pension under paragraph 1 of this Schedule had she not attained the age of seventy before the said date.

4th Sch —*cont.*

An old age pension to which a widow is entitled by virtue of this paragraph shall be at the rate of ten shillings a week, notwithstanding that any of the statutory conditions as to means, residence or nationality is not satisfied.

FIFTH SCHEDULE.

Section 45.

Enactments Repealed.

Session and Chapter, or Year and Number of Order.	Short Title.	Extent of Repeal.
15 & 16 Geo. 5. c. 70.	The Widows', Orphans' and Old Age Contributory Pensions Act, 1925.	The whole Act, except paragraph (*b*) of subsection (2) of section nine, section thirteen, subsection (5) of section fourteen, other than the proviso to that subsection, subsection (5) of section fifteen, sections thirty-seven and thirty-eight, subsection (6) of section forty-five, and the Fourth Schedule.
20 Geo. 5. c. 10.	The Widows', Orphans' and Old Age Contributory Pensions Act, 1929.	The whole Act, except subsection (4) of section three, subsections (1) and (2) of section nine, section twenty-one, and section twenty-five.
20 & 21 Geo. 5. c. 37.	The Adoption of Children (Scotland) Act, 1930.	In subsection (2) of section five the words "Widows', "Orphans' and Old Age "Contributory Pensions "Acts, 1925 and 1929, "and", and the proviso to that subsection.
21 & 22 Geo. 5. c. 19.	The Widows', Orphans' and Old Age Contributory Pensions Act, 1931.	The whole Act.
21 & 22 Geo. 5. c. 37.	The Adoption of Children (Scotland) Act, 1931.	The whole Act.
S.R. & O. 1931, No. 813.	The National Economy (National Health Insurance) Order, 1931.	Article three.

5th Sch. —*cont.*

Session and Chapter, or Year and Number of Order.	Short Title.	Extent of Repeal.
22 & 23 Geo. 5. c. 52.	The National Health Insurance and Contributory Pensions Act, 1932.	Section ten.
23 & 24 Geo. 5. c. 33.	The Metropolitan Police Act, 1933.	Subsection (3) of section four, so far as that subsection relates to widows', orphans' and old age contributory pensions; paragraph 2 of the Schedule.
24 & 25 Geo. 5. c. 29.	The Unemployment Assistance Act, 1934.	Section forty-nine.
25 & 26 Geo. 5. c. 44.	The National Health Insurance and Contributory Pensions Act, 1935.	Sections sixteen to twenty-one; section twenty-three, except subsections (1), (2) and (3); section twenty-four; the Second Schedule.

CHAPTER 34.

An Act to grant certain duties of Customs and Inland Revenue (including Excise), to alter other duties, and to amend the law relating to Customs and Inland Revenue (including Excise) and the National Debt, and to make further provision in connection with Finance. [16th July 1936.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Part I.

Customs and Excise.

Increased customs duties on tea. 22 & 23 Geo. 5. c. 25.

1.—(1) In lieu of the duties of customs charged under section one of the Finance Act, 1932, there shall be charged on tea imported into the United Kingdom duties of customs at the following increased rates, that is to say:—

Tea not being an Empire product -	the lb.	6*d*.
Tea being an Empire product - -	the lb.	4*d*.

14 & 15 Geo. 5. c. 21. 15 & 16 Geo. 5. c. 36.

(2) Section fourteen of the Finance Act, 1924, (which, as amended by section twelve of the Finance Act, 1925, makes provision for the allowance of drawback on the exportation or shipment as stores of certain blended tea) shall extend to blended tea prepared from teas in respect of which either of the customs duties chargeable under this section has been paid.

(3) In this section the expression "Empire product" has the same meaning as in subsection (1) of section eight of the Finance Act, 1919.

9 & 10 Geo. 5. c. 32.

(4) This section shall be deemed to have had effect as from the twenty-second day of April, nineteen hundred and thirty-six.

Increased customs duty on certain beer.

2.—(1) A duty of customs at the rate of one pound for every thirty-six gallons shall be charged in respect of all beer imported into the United Kingdom except—

(*a*) beer being an Empire product within the meaning of subsection (1) of section eight of the Finance Act, 1919; and

(*b*) beer of any description specified in subsection (1) of section two of the Finance Act, 1930.

20 & 21 Geo. 5. c. 28.

(2) On the exportation from the United Kingdom as merchandise, or for use as ships' stores, of beer on which it is shown to the satisfaction of the Commissioners that the duty of customs charged under this section has been paid, there shall be allowed a customs drawback equal to the amount of the duty so paid.

(3) The duty of customs charged, and the customs drawback allowed, under this section shall be charged or

Part I. —*cont.*

allowed as the case may be in addition to any other duty of customs or customs drawback for the time being charged or allowed in respect of beer.

(4) This section shall be deemed to have had effect as from the twenty-second day of April, nineteen hundred and thirty-six.

Amendment as to polariscopic test of sugar.

3.—(1) Where the Commissioners are satisfied that the polarisation of any sugar chargeable with a duty of customs or excise has at any time been reduced, either as the result of the sugar having been treated (whether by the addition of invert sugar or otherwise) or as the result of the development of invert sugar or other substance therein, the sugar shall be chargeable with the duty as if it were of a polarisation exceeding ninety-nine degrees.

(2) This section shall be deemed to have had effect as from the twenty-second day of April, nineteen hundred and thirty-six.

Extension of period of stabilisation of rates of imperial preference.

16 & 17 Geo. 5. c. 22.

4.—(1) Subsection (1) of section seven of the Finance Act, 1926, (which provides for the stabilisation of rates of imperial preference) shall have effect as if the period of ten years mentioned in that subsection were extended so as to expire on the nineteenth day of August, nineteen hundred and thirty-seven:

22 & 23 Geo. 5. c. 53.

Provided that nothing in this subsection shall affect the provisions of subsection (1) of section four of the Ottawa Agreements Act, 1932, (which extended the said period in the case of tobacco until the nineteenth day of August, nineteen hundred and forty-two).

18 & 19 Geo. 5. c. 17.

(2) For the purpose of the said section seven, the preferential rates chargeable by virtue of section four of the Finance Act, 1928, in the case of Empire products being sugar, glucose, molasses or saccharin, shall be deemed to have been in force immediately before the first day of July, nineteen hundred and twenty-six.

Extension and amendment of 11 & 12 Geo. 5. c. 47.

5.—(1) Part I of the Safeguarding of Industries Act, 1921, (which, as extended by section ten of the Finance Act, 1926, is limited to expire on the nineteenth day of August, nineteen hundred and thirty-six) shall continue in force for a further period of ten years from the said day.

(2) As from the twenty-second day of April, nineteen hundred and thirty-six, the Safeguarding of Industries

Act, 1921, (hereafter in this section referred to as "the Act of 1921") shall have effect as though the following goods were included in the Schedule to that Act, that is to say,—

(*a*) activated carbons and decolourising carbons, not being of animal origin;

(*b*) parts of arc-lamp carbons, whether such parts are finished or not;

(*c*) parts of wireless valves and similar rectifiers and parts of vacuum tubes, whether such parts are finished or not;

(*d*) ferro-titanium containing not more than two per cent. of carbon, manganese metal containing not more than one per cent. of carbon, and chromium metal;

except that, in the case of parts of arc-lamp carbons, the duty to be charged shall be at the rate of seven shillings and sixpence per pound weight.

(3) The power of the Board of Trade under subsection (5) of section one of the Act of 1921 to issue lists defining articles which are to be taken as falling under any of the general descriptions set out in the Schedule to that Act shall include power to amend any list so issued, and the provisions of that subsection relating to the publication of a list, and to complaints that an article has been improperly included in or excluded from a list, shall extend to the publication of an amendment made under this subsection and to complaints that an article has been improperly included in or excluded from a list by virtue of such an amendment.

(4) Subsection (1) of section three of the Import Duties Act, 1932 (which empowers the Import Duties Advisory Committee to recommend that an additional duty ought to be charged in respect of goods chargeable with the general ad valorem duty) shall have effect as if the reference to the general ad valorem duty included a reference to duty chargeable under the Act of 1921, and subsections (2), (3), (4), (7) (so far as it relates to additional duties) and (8) of that section and section nineteen of that Act shall apply accordingly:

22 & 23 Geo. 5. c. 8.

Provided that any additional duty directed by virtue of this subsection to be charged on goods chargeable with duty under the Act of 1921 shall for all purposes be

Part I. —*cont.*

deemed to be charged under that Act and not under the said section three.

(5) If the Board of Trade are satisfied, on the application of the importer of any consignment of instruments or apparatus imported after the passing of this Act and chargeable with duty under the Act of 1921, that—

(*a*) the consignment is required for the importer's own use; and

(*b*) goods similar to that consignment are not for the time being made, or likely to be made within a reasonable time, in any part of His Majesty's dominions in quantities which are substantial in relation to the demand for those goods in the United Kingdom;

the Board may recommend to the Treasury that the consignment should be allowed to be imported without payment of the duty so chargeable and without payment of all or any of the duties chargeable under the Import Duties Act, 1932, or, if any such duty has been paid in respect of the consignment, that it should be repaid, and the Treasury may by licence authorise the importation of the consignment, or, subject to such conditions as the Commissioners may impose for the protection of the revenue, the repayment of duty, in accordance with the recommendation:

Provided that no such recommendation shall be made—

(i) as respects any duty chargeable under the Import Duties Act, 1932, except after consultation with the Import Duties Advisory Committee; or

(ii) unless an application for the recommendation is made before the importation of the consignment.

(6) In the case of any composite goods on which, by virtue of section eight of the Import Duties Act, 1932, the general ad valorem duty would be chargeable only up to the amount, if any, by which it exceeds the duty chargeable on the goods under the Act of 1921, the general ad valorem duty shall, instead of being so chargeable, be chargeable up to the full amount thereof, and the duty under the Act of 1921 shall be charged in accordance with subsection (2) of section one of the Act of 1921.

Power to remove or reduce additional duties in respect of certain iron and steel goods.

6.—(1) On the recommendation of the Import Duties Advisory Committee, and after consultation with the Board of Trade, the Treasury may by order direct that any additional duty chargeable under Part I of the Import Duties Act, 1932, on a consignment of goods, being goods of a class or description to which the order applies, shall not be charged, or shall be charged at such reduced rate as may be specified in the order, if—

(*a*) at the time of the delivery under the Customs Acts of the entry of the consignment, or, in a case where the consignment is deposited in a bonded warehouse, at the time of the removal thereof from the warehouse, there is produced in respect of the consignment a certificate of origin and a quota certificate; and

(*b*) the conditions on which those certificates were issued are complied with.

(2) An order made under this section may be applied to any class or description of goods of iron or steel (including alloy steel), being a class or description specified in the First Schedule to this Act or falling within a class or description so specified.

(3) Subsections (1), (2), (4) and (5) of section nineteen of the Import Duties Act, 1932, shall apply to any order made under this section as if it were an order made by the Treasury under the said Act imposing a duty of customs.

(4) In this section the expression " certificate of origin " means a certificate issued in accordance with regulations made under this section certifying the country in which the consignment in question was manufactured, and the expression " quota certificate " means a certificate so issued showing that the consignment forms part of such quantity of goods manufactured in that country, being goods of the class or description to which the consignment belongs, as has been authorised for the time being by the Board of Trade, after consultation with the Import Duties Advisory Committee, to be imported free of the additional duty or at the reduced rate of duty.

(5) Regulations for the purposes of this section shall be made by the Board of Trade as respects the form in which, the persons by whom, and the conditions on which, the said certificates may be issued and in particular, in the case of goods partly manufactured in any country,

the conditions on which that country may be certified as the country in which the goods were manufactured.

(6) Anything required or authorised to be done under this section by the Board of Trade may be done by the President, or a secretary, under secretary or assistant secretary, of the Board.

Power to add or remove goods to or from free list, and to charge certain duties, for periods.

23 & 24 Geo. 5. c. 19.

25 & 26 Geo. 5. c. 24.

7.—(1) Any order made by the Treasury directing that goods of any class or description shall be added to, or cease to be included in, the First Schedule to the Import Duties Act, 1932, or shall be chargeable with a duty under section sixteen of the Finance Act, 1933, or section eleven of the Finance Act, 1935, in lieu of the general ad valorem duty, may, if the Import Duties Advisory Committee so recommend, direct that the goods shall be so added, or cease to be so included, or be so chargeable, as the case may be, for any period or periods specified in the order, whether continuous or not.

(2) Where any order is made under this section directing that goods shall be added to the said Schedule for any period or periods, being goods of a class or description chargeable with an additional duty under Part I of the Import Duties Act, 1932, or with a duty chargeable in lieu of the general ad valorem duty as aforesaid, the order directing that duty to be charged shall be treated, as respects those goods, as suspended in its operation during the said period or periods.

Exemption from certain duties of goods imported for purposes connected with science, art or sport.

8.—(1) If the Import Duties Advisory Committee are satisfied, on the application of the importer of any goods, that—

(*a*) the goods are intended to be used in scientific research, or for a purpose connected with the advancement of any branch of learning or art or with the promotion of any sport; and

(*b*) the goods are not intended to be sold, or to be used for any purpose which is substantially a commercial purpose;

they may, if in view of all the circumstances of the case they deem it expedient so to do, make a recommendation to the Treasury either—

(i) that the goods should be allowed to be imported without payment of any duty to which this section applies; or

(ii) that, if any such duty has been paid in respect of the goods, it should be repaid on the exportation of the goods, or should be repaid whether the goods are exported or not;

and the Treasury may, after consultation with the Board of Trade, by licence authorise the importation of the goods, or, subject to such conditions as the Commissioners may impose for the protection of the revenue, the repayment of duty, in accordance with the recommendation.

(2) No recommendation shall be made under this section—

(*a*) in respect of any goods imported before the passing of this Act; or

(*b*) in respect of any goods, unless an application for the recommendation is made before the delivery of the goods to the importer.

(3) A recommendation under this section may be made in respect of any consignments of goods specified therein, or in respect of all consignments of goods of a class or description specified in the recommendation which are imported by the applicant during such period as may be so specified, and the licence may be issued accordingly.

(4) This section shall apply to the duties of customs chargeable under Part I of the Import Duties Act, 1932, and the duties of customs chargeable on silk or artificial silk or articles made wholly or in part of silk or artificial silk.

Exemption of invalid carriages from duty.

10 & 11 Geo. 5. c. 18.

9.—(1) No duty shall be payable under section thirteen of the Finance Act, 1920 (which relates to duty on licences for mechanically-propelled vehicles), in respect of vehicles (including cycles with an attachment for propelling them by mechanical power) which do not exceed five hundredweight in weight unladen and are adapted and used for invalids.

(2) This section shall come into operation on the first day of January, nineteen hundred and thirty-seven.

Exemption from duty

10.—(1) No duty shall be payable under section thirteen of the Finance Act, 1920, in respect of any of road construction vehicles.

mechanically propelled vehicle which is a road construction vehicle, if the road construction machinery built in or permanently attached to the vehicle is used for no purpose other than the construction or repair of roads at the public expense.

(2) If any mechanically propelled vehicle exempted under this section from the payment of duty is used otherwise than for the conveyance of road construction machinery for the purpose of its use for the construction or repair of roads at the public expense, the vehicle shall for the purposes of section thirteen of the Roads Act, 1920, be deemed to have been a vehicle for which a licence under the Finance Act, 1920, was not in force.

10 & 11 Geo. 5. c. 72.

(3) A road construction vehicle, if drawn by any mechanically propelled vehicle, shall not be deemed for the purposes of paragraph 5 of the Second Schedule to the Finance Act, 1920, to be a trailer if the road construction machinery built in or permanently attached to the vehicle is used for no purpose other than the construction or repair of roads at the public expense.

(4) In this section—

"Road construction vehicle" means a vehicle constructed or adapted for use for the conveyance of road construction machinery built in as part of the vehicle or otherwise permanently attached thereto, and not constructed or adapted for the conveyance of any other load except articles and material used for the purposes of the road construction machinery;

"Road construction machinery" means a machine or contrivance suitable for use for the construction or repair of roads.

(5) This section shall come into operation on the first day of October nineteen hundred and thirty-six.

Exemption from trailer duty of agricultural vehicles drawing farming implements.

11.—(1) For the purpose of sub-paragraph (*d*) of paragraph 5 of the Second Schedule to the Finance Act, 1920 (which, as amended by the Seventh Schedule to the Finance Act, 1933, imposes an additional duty on goods vehicles if used for drawing a trailer), a farming implement not constructed or adapted for the conveyance of goods or burden of any description shall not be deemed to be a trailer when drawn by a goods vehicle chargeable with duty under sub-paragraph (*a*) of that paragraph (which as so amended relates to vehicles used for purposes of agriculture).

(2) This section shall come into operation on the first day of January, nineteen hundred and thirty-seven.

Remission of duty in case of motor vehicles used on roads for subsidiary purposes only.

12.—(1) If an applicant for a licence under section thirteen of the Finance Act, 1920, in respect of any mechanically propelled vehicle satisfies the licensing authority that the vehicle is intended to be used on roads repairable at the public expense—

(*a*) only in passing from land in his occupation to other land in his occupation; and

(*b*) for distances not exceeding in the aggregate six miles in any calendar week;

then, if authorised so to do by the Minister of Transport with the consent of the Treasury, the licensing authority may exempt the vehicle from the duty payable under the said section.

(2) If a mechanically propelled vehicle exempted under this section from the payment of duty is used on roads repairable at the public expense otherwise than for the purpose and to the extent specified in the last foregoing subsection, the vehicle shall for the purposes of section thirteen of the Roads Act, 1920, be deemed to have been a vehicle for which a licence under the Finance Act, 1920, was not in force.

Provisions to facilitate prosecution of persons using vehicles without excise licences.

13.—(1) Where it is alleged that a vehicle has been used in contravention of section thirteen of the Roads Act, 1920, (which provides for the punishment of persons who use vehicles without the appropriate excise licences)—

(*a*) the owner of the vehicle shall give such information as he may be required by or on behalf of a Chief Officer of Police or a county council within the meaning of the Roads Act, 1920, to give as to the identity of the driver and of any person using the vehicle and, if he fails to do so, shall be guilty of an offence, unless he shows to the satisfaction of the court that he did not know and could not with reasonable diligence have ascertained who was driving or using the vehicle; and

Part I. —*cont.*

(*b*) any other person shall, if required as aforesaid, give any information which it is in his power to give and which may lead to the identification of the driver or of any person using the vehicle, and, if he fails so to do, he shall be guilty of an offence.

(2) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding twenty pounds.

Part II.

Income Tax.

Income tax for 1936–37.

14.—(1) Income tax for the year 1936–37 shall be charged at the standard rate of four shillings and ninepence in the pound, and, in the case of an individual whose total income exceeds two thousand pounds, at such higher rates in respect of the excess over two thousand pounds as Parliament may hereafter determine.

(2) All such enactments as had effect with respect to the income tax charged for the year 1935–36 shall have effect with respect to the income tax charged for the year 1936–37.

Higher rates of income tax for 1935–36.

15. Income tax for the year 1935–36 shall be charged, in the case of an individual whose total income exceeded two thousand pounds, at the same higher rates in respect of the excess over two thousand pounds as were charged for the year 1934–35.

Personal allowance of married persons.
17 & 18 Geo. 5. c. 10
21 & 22 Geo. 5. c. 49.

16. Subsection (1) of section eighteen of the Finance Act, 1920, (which, as amended by section forty of the Finance Act, 1927, section eight of the Finance (No. 2) Act, 1931, and section twenty of the Finance Act, 1935, provides for a deduction of tax on one hundred and seventy pounds in the case of married persons) shall have effect as if the words " one hundred and eighty pounds " were substituted for the words " one hundred and seventy pounds."

Deduction in respect of children.

17. Section twenty-one of the Finance Act, 1920, (which, as amended by section forty of the Finance Act, 1927, section eight of the Finance (No. 2) Act, 1931, and section twenty-one of the Finance Act, 1935, provides for a deduction of tax on fifty pounds in respect of each child) shall have effect as if the words "sixty pounds" were substituted for the words "fifty pounds" in subsections (1) and (3) thereof.

Provisions for preventing avoidance of income tax by transactions resulting in the transfer of income to persons abroad.

18. For the purpose of preventing the avoiding by individuals ordinarily resident in the United Kingdom of liability to income tax by means of transfers of assets by virtue or in consequence whereof, either alone or in conjunction with associated operations, income becomes payable to persons resident or domiciled out of the United Kingdom, it is hereby enacted as follows:—

(1) Where such an individual has by means of any such transfer, either alone or in conjunction with associated operations, acquired any rights by virtue of which he has, within the meaning of this section, power to enjoy, whether forthwith or in the future, any income of a person resident or domiciled out of the United Kingdom which, if it were income of that individual received by him in the United Kingdom, would be chargeable to income tax by deduction or otherwise, that income shall, whether it would or would not have been chargeable to income tax apart from the provisions of this section, be deemed to be income of that individual for all the purposes of the Income Tax Acts:

Provided that this subsection shall not apply if the individual shows in writing or otherwise to the satisfaction of the Special Commissioners that the transfer and any associated operations were effected mainly for some purpose other than the purpose of avoiding liability to taxation.

(2) For the purposes of this section an associated operation means, in relation to any transfer, an operation of any kind effected by any person in relation to any of the assets transferred or any assets representing, whether directly or indirectly, any of the assets transferred, or to the income arising from any such assets, or to any assets representing, whether directly or indirectly, the accumulations of income arising from any such assets.

(3) An individual shall, for the purposes of this section, be deemed to have power to enjoy income of a person resident or domiciled out of the United Kingdom if—

(*a*) the income is in fact so dealt with by any person as to be calculated, at some point of time, and

Part II. —*cont.*

whether in the form of income or not, to inure for the benefit of the individual; or

(*b*) the receipt or accrual of the income operates to increase the value to the individual of any assets held by him or for his benefit; or

(*c*) the individual receives or is entitled to receive, at any time, any benefit provided or to be provided out of that income or out of moneys which are or will be available for the purpose by reason of the effect or successive effects of the associated operations on that income and on any assets which directly or indirectly represent that income; or

(*d*) the individual has power, by means of the exercise of any power of appointment or power of revocation or otherwise, to obtain for himself, whether with or without the consent of any other person, the beneficial enjoyment of the income; or

(*e*) the individual is able in any manner whatsoever, and whether directly or indirectly, to control the application of the income.

(4) In determining whether an individual has power to enjoy income within the meaning of this section, regard shall be had to the substantial result and effect of the transfer and any associated operations, and all benefits which may at any time accrue to the individual as a result of the transfer and any associated operations shall be taken into account irrespective of the nature or form of the benefits.

(5) For the purposes of this section—

(*a*) a reference to an individual shall be deemed to include the wife or husband of the individual;

(*b*) the expression "assets" includes property or rights of any kind, and the expression "transfer," in relation to rights includes the creation of those rights;

(*c*) the expression "benefit" includes a payment of any kind;

(*d*) references to income of a person resident or domiciled out of the United Kingdom shall, where the amount of the income of a company for any year or period has been apportioned under section twenty-one of the Finance Act, 1922, include references to so much of the income of the company for that year or period as is equal to the amount so apportioned to that person;

Part II. —*cont.*

12 & 13 Geo. 5. c. 17.

(*e*) references to assets representing any assets, income or accumulations of income include references to shares in or obligations of any company to which, or obligations of any other person to whom, those assets, that income or those accumulations are or have been transferred.

(6) The provisions of the Second Schedule to this Act shall have effect for the purpose of carrying this section into effect and otherwise for supplementing the provisions of this section, and this section is referred to in that Schedule as " the principal section."

(7) The provisions of this section shall apply for the purposes of assessment to income tax for the year 1935–36 and subsequent years, and shall apply in relation to transfers of assets and associated operations whether carried out before or after the commencement of this Act :

Provided that, for the year 1935–36, no income shall be charged to tax at the standard rate by virtue of the provisions of this section, but surtax shall be assessed and charged as if any income which would, but for this proviso, have been charged as aforesaid had in fact been so charged.

General amendments of 12 & 13 Geo. 5. c. 17, s. 21.

19.—(1) For the purposes of subsection (6) of section twenty-one of the Finance Act, 1922, a company shall be deemed to be under the control of not more than five persons—

(*a*) if any five or fewer persons together exercise, or are able to exercise, or are entitled to acquire, control, whether direct or indirect, over the company's affairs, and in particular, but without prejudice to the generality of the foregoing words, if any five or fewer persons together possess, or are entitled to acquire, the greater part of the share capital or voting power of the company; or

PART II. —*cont.*

(*b*) if any five or fewer persons together possess, or are entitled to acquire, either the greater part of the issued share capital of the company, or such part of that capital as would, if the whole of the income of the company were in fact distributed to the members, entitle them to receive the greater part of the amount so distributed; or

(*c*) if, on the assumption that the company is a company to which the said section twenty-one applies, more than half of its income (including any income which has been apportioned to it, or could on that assumption be apportioned to it, under the said section twenty-one) could be apportioned among not more than five persons.

(2) In determining for the purposes of the said subsection (6) whether a company is or is not under the control of not more than five persons, persons who are relatives of one another, persons who are nominees of any other person together with that other person, persons in partnership, and persons interested in any shares or obligations of the company which are subject to any trust or are part of the estate of a deceased person, shall respectively be treated as a single person.

For the purposes of this subsection—

(*a*) the expression "relative" means a husband, wife, ancestor, lineal descendant, brother or sister;

(*b*) a person shall be deemed to be the nominee of another person, if, whether directly or indirectly, he possesses on behalf of that other person, or may be required to exercise on the direction of or on behalf of that other person, any right or power which, by virtue of any of the provisions of this Act, is material in determining whether a company is or is not to be deemed to be under the control of not more than five persons.

(3) For the purpose of the provisions of the said section twenty-one and any provisions of this or any other Act relating thereto, the definition of the expression "company" shall be extended so as to include any body incorporated in any part of the United Kingdom under any enactment, and in relation to any such body corporate other than a company within the meaning of

Part II. —*cont.*

the Companies Act, 1929, or any corresponding enactment in force in Northern Ireland, the said provisions shall have effect subject to the following modifications—

19 & 20 Geo. 5. c. 23.

(*a*) references to winding-up shall include references to the dissolution or cancellation of the registry of the body corporate in any manner authorised by any rules, regulations or other instrument constituting or regulating the body corporate or any enactment applying to the body corporate; and

(*b*) references to an order or resolution for winding-up shall include references to the signing of any instrument, the making of any application or the doing of any other act which is authorised as aforesaid with a view to dissolving, or cancelling the registry of, the body corporate; and

(*c*) references to the liquidator shall include references to any person in charge of the winding-up of the affairs of the body corporate.

(4) At the end of sub-paragraph (iii) of paragraph (*a*) of subsection (1) of the said section twenty-one there shall be added the following words—" or

(iv) in redemption or repayment of any share or loan capital or debt (including any premium on such share or loan capital or debt) issued or incurred otherwise than for adequate consideration,"

and at the end of the said subsection there shall be inserted the following paragraphs—

" For the purposes of this subsection share or loan capital or debt shall be deemed to be issued or incurred otherwise than for adequate consideration if—

(A) it is issued or incurred for consideration the value of which to the company is substantially less than the amount of the capital or debt (including any premium thereon); or

(B) it is issued or incurred in or towards, or for the purpose of raising money applied or to be applied in or towards, the

PART II. —*cont.*

redemption or repayment of any share or loan capital or debt which itself was issued or incurred for such consideration as is mentioned in the last foregoing paragraph or which represents, directly or indirectly, any share or loan capital or debt which itself was issued or incurred for such consideration.

References in this subsection to money applied or to be applied for any purpose shall be deemed to include references to money applied or to be applied in or towards the replacement of that money."

(5) Where a notice of charge is served on a company or the liquidator of a company under subsection (3) of the said section twenty-one and the tax thereupon becoming payable is not paid by the company before the expiration of three months from the date of service or before the second day of January following the year of assessment (whichever is the later), the tax shall thereupon, without prejudice to the right to recover it from the company, be recoverable from the member on whom the tax was assessed.

(6) The provisions of this and the next following section shall apply for the purposes of assessment to sur-tax for the year 1935–36 and subsequent years.

Amendments of 12 & 13 Geo. 5. c. 17, s. 21, as respects investment companies. 8 & 9 Geo. 5. c. 40.

20.—(1) The following provisions of this section shall have effect as respects companies (hereafter in this section referred to as "investment companies") the income whereof consists mainly of investment income, that is to say, income which, if the company were an individual, would not be earned income as defined in subsection (3) of section fourteen of the Income Tax Act, 1918:

Provided that, for the purposes of this subsection, any income apportioned to a company under section twenty-one of the Finance Act, 1922, shall be deemed to be income of the company and to be investment income.

(2) For the purpose of subsection (1) of the said section twenty-one the sums which are to be regarded as income available for distribution among the members of an investment company, and not as having been applied or being applicable to the current requirements of the company's business or to such other requirements as

Part II. —*cont.*

may be necessary or advisable for the maintenance and development of that business, shall include any sum expended or applied, or available to be expended or applied, out of the income of the company in or towards the redemption, repayment, or discharge of any loan capital or debt (including any premium thereon) in respect of which any person is a loan creditor of the company.

(3) Without prejudice to the provisions of the last foregoing section, an investment company shall be deemed for the purposes of subsection (6) of the said section twenty-one to be under the control of not more than five persons if any five or fewer persons would, if the company were wound up, be entitled as members or loan creditors of the company to receive more than half of the assets of the company which would be available for distribution to members and loan creditors.

(4) Where an investment company is deemed by virtue of the last foregoing subsection to be under the control of not more than five persons by reason that any five or fewer persons would, if the company were wound up, be entitled as loan creditors to receive more than one-half of the assets therein referred to (whether or not it would otherwise be deemed to be under such control)—

(*a*) the definition of the expression "member" shall, for the purposes of the said section twenty-one and any provisions of this or any other Act relating thereto, be extended so as to include any loan creditor of the company; and

(*b*) for the purpose of paragraph 8 of the First Schedule to the Finance Act, 1922, a loan creditor shall be deemed to have an interest in any income of the company to be apportioned under that paragraph to the extent that that income, or assets representing it, has or have been expended or applied or is or are available to be expended or applied in redemption or repayment or discharge of the loan capital or debt (including any premium thereon) in respect of which he is a loan creditor:

Provided that—

(i) where by virtue or in consequence of any settlement within the meaning of the next

PART II. —*cont.*

following section of this Act a loan creditor has been or could be required by some other person (hereafter referred to as a "beneficiary") to pay to the beneficiary the whole of any sums which have been or might be paid to that loan creditor by the company in redemption, repayment or discharge of the loan capital or debt (including any premium thereon) in respect of which he is a loan creditor, or to pay or transfer to the beneficiary the whole of any sums or assets representing directly or indirectly any such sums as aforesaid, the beneficiary and not the loan creditor shall be deemed, for the purposes of the said section twenty-one of the Finance Act, 1922, and any provisions of this or any other Act relating thereto, to be a member of the company and, for the purposes of the said paragraph 8, to have the interest in the income of the company which the loan creditor would, but for this provision, be deemed to have by virtue of the foregoing provisions of this section; and

(ii) where a loan creditor has been or could be required as aforesaid to pay or transfer to the beneficiary a part only of any such sums or assets as aforesaid, the beneficiary, as well as the loan creditor, shall be deemed to be a member of the company for the purposes of the said section twenty-one of the Finance Act, 1922, and any provisions of this or any other Act relating thereto, and for the purpose of the said paragraph 8 the interest which the loan creditor is deemed to have in the income of the company by virtue of the foregoing provisions of this section shall be apportioned by the Special Commissioners between the beneficiary and the loan creditor.

(5) In relation to an investment company paragraph 11 of the First Schedule to the Finance Act, 1922, shall have effect as if references to shares included references to loan capital.

(6) Where, whether before or after the passing of this Act, an order has been made or a resolution passed

for the winding-up of an investment company to which section twenty-one of the Finance Act, 1922, applies, the following provisions shall have effect:— Part II. —*cont.*

(*a*) the actual income of the company from all sources since the date of the order or resolution shall, for purposes of assessment to surtax, be deemed to be the income of the members;

(*b*) the Special Commissioners shall from time to time by notice in writing to the liquidator direct that the amount of that income for the year or period specified in the notice shall be deemed for those purposes to be the income of the members for that year or period, and the amount thereof shall be apportioned and surtax assessed and charged accordingly;

(*c*) the provisions of the said section twenty-one and any provisions of this or any other Act relating thereto shall, with any necessary modifications, apply in relation to any such directions, apportionments and assessments as they apply in relation to directions, apportionments and assessments under subsection (1) of the said section twenty-one.

(7) For the purpose of this section, the expression "loan creditor" means a creditor in respect of any debt incurred by the company—

(*a*) for any money borrowed or capital assets acquired by the company; or

(*b*) for any right to receive income created in favour of the company; or

(*c*) for consideration the value of which to the company was (at the time when the debt was incurred) substantially less than the amount of the debt (including any premium thereon)

or in respect of any redeemable loan capital issued by the company:

Provided that a person carrying on the business of banking shall not be deemed to be a loan creditor in respect of any loan capital or debt issued or incurred by the company for money lent by him to the company in the ordinary course of that business.

Provisions as to income settled on children.

21.—(1) Where, by virtue or in consequence of any settlement to which this section applies and during the life of the settlor, any income is paid to or for the benefit of a child of the settlor in any year of assessment, the income shall, if at the commencement of that year the child was an infant and unmarried, be treated for all the purposes of the Income Tax Acts as the income of the settlor for that year and not as the income of any other person.

(2) Subject as hereafter provided, for the purpose of this section—

(*a*) income which, by virtue or in consequence of a settlement to which this section applies, is so dealt with that it, or assets representing it, will or may become payable or applicable to or for the benefit of a child of the settlor in the future (whether on the fulfilment of a condition, or the happening of a contingency, or as the result of the exercise of a power or discretion conferred on any person, or otherwise) shall be deemed to be paid to or for the benefit of that child; and

(*b*) any income dealt with as aforesaid which is not required by the settlement to be allocated, at the time when it is so dealt with, to any particular child or children of the settlor shall be deemed to be paid in equal shares to or for the benefit of each of the children to or for the benefit of whom or any of whom the income or assets representing it will or may become payable or applicable.

(3) Where any income is dealt with as mentioned in the last foregoing subsection by virtue or in consequence of a settlement to which this section applies, being a settlement which, at the time when the income is so dealt with, is an irrevocable settlement—

(*a*) the provisions of the last foregoing subsection shall not apply to that income unless and except to the extent that that income consists of, or represents directly or indirectly, sums paid by the settlor which are allowable as deductions in computing his total income for the purpose of the Income Tax Acts; and

Part II. —*cont.*

(*b*) any sum whatsoever paid thereafter by virtue or in consequence of the settlement, or any enactment relating thereto, to or for the benefit of a child of the settlor, being a child who at the commencement of the year of assessment in which the sum is paid is an infant and unmarried, shall be deemed for the purposes of subsection (1) of this section to be paid as income, unless and except to the extent that the sum so paid together with any other sums previously so paid (whether to that child or to any other child who, at the commencement of the year of assessment in which that other sum was so paid, was an infant and unmarried) exceeds the aggregate amount of the income which by virtue or in consequence of the settlement has been paid to or for the benefit of a child of the settlor, or dealt with as mentioned in subsection (2) of this section, since the date when the settlement took effect or the date when it became irrevocable, whichever is the later.

(4) Income paid to or for the benefit of a child of a settlor shall not be treated as provided in subsection (1) of this section for any year of assessment in which the aggregate amount of the income paid to or for the benefit of that child, which, but for this subsection, would be so treated by virtue of the foregoing provisions of this section, does not exceed five pounds.

(5) Subsections (2) and (3) of section twenty of the Finance Act, 1922, shall have effect as if references to paragraph (*c*) of subsection (1) of that section included references to the foregoing provisions of this section, as if references to a disposition included references to a settlement, and as if the reference to the making of a disposition included a reference to the making of or entering into a settlement, and subsection (4) of that section shall have effect as if the reference to that section included a reference to the said provisions of this section.

(6) No repayment shall be made under section twenty-five of the Income Tax Act, 1918, on account of tax paid in respect of any income which by virtue of this section has been treated as the income of a settlor.

Part II —*cont.*

(7) The General or Special Commissioners may by notice in writing require any party to a settlement to furnish them within such time as they may direct (not being less than twenty-eight days), with such particulars as they think necessary for the purpose of this section, and if that person without reasonable excuse fails to comply with the notice, he shall be liable to a penalty not exceeding fifty pounds, and, after judgment has been given for that penalty, to a further penalty of the like amount for every day during which the failure continues.

(8) For the purposes of this section, a settlement shall not be deemed to be irrevocable, if the terms thereof provide—

(*a*) for the payment to the settlor or, during the life of the settlor, to the wife or husband of the settlor for his or her benefit, or for the application for the benefit of the settlor or, during the life of the settlor, of the wife or husband of the settlor, of any income or assets in any circumstances whatsoever during the life of any child of the settlor to or for the benefit of whom any income, or assets representing it, is or are or may be payable or applicable by virtue or in consequence of the settlement; or

(*b*) for the determination of the settlement by the act or on the default of any person; or

(*c*) for the payment of any penalty by the settlor in the event of his failing to comply with the provisions of the settlement:

Provided that a settlement shall not be deemed to be revocable by reason only—

(i) that it contains a provision whereunder any income or assets will or may become payable to or applicable for the benefit of the settlor, or the wife or husband of the settlor, on the bankruptcy of any such child as is mentioned in paragraph (*a*) of this subsection or in the event of an assignment of or charge on that income or those assets being executed by such a child; or

(ii) that it provides for the determination of the settlement as aforesaid in such a manner that the determination will not, during the lifetime of any such child as aforesaid, benefit any person other than such a child, or the wife, husband, or issue of such a child; or

Part II. —*cont.*

(iii) in the case of a settlement to which section thirty-three of the Trustee Act, 1925, applies, that it directs income to be held for the benefit of such a child as aforesaid on protective trusts, unless the trust period is a period less than the life of the child or the settlement specifies some event on the happening of which the child would, if the income were payable during the trust period to him absolutely during that period, be deprived of the right to receive the income or part thereof.

15 & 16 Geo. 5. c. 19.

(9) In this section—

(*a*) the expression "child" includes a stepchild, an adopted child and an illegitimate child;

(*b*) the expression "settlement" includes any disposition, trust, covenant, agreement, arrangement or transfer of assets;

(*c*) the expression "settlor", in relation to a settlement, includes any person by whom the settlement was made or entered into directly or indirectly, and in particular (but without prejudice to the generality of the foregoing words of this definition) includes any person who has provided or undertaken to provide funds directly or indirectly for the purpose of the settlement, or has made with any other person a reciprocal arrangement for that other person to make or enter into the settlement;

(*d*) the expression "income," except in the third and fourth places where it occurs in subsection (1) of this section, includes any income chargeable to income tax by deduction or otherwise and any income which would have been so chargeable if it had been received in the United Kingdom by a person resident and ordinarily resident in the United Kingdom, but does not include income arising under a settlement in a year of assessment for which the settlor is not chargeable to income tax as a resident in the United Kingdom.

Part II. —*cont.*

(10) This section applies to every settlement, wheresoever it was made or entered into, and whether it was made or entered into before or after the passing of this Act, except a settlement made or entered into before the twenty-second day of April, nineteen hundred and thirty-six, which immediately before that date was irrevocable.

(11) Paragraph (*c*) of subsection (1) of section twenty of the Finance Act, 1922, and any other provisions of that subsection relating to that paragraph, shall cease to have effect as respects any settlement to which this section applies.

Exclusion of certain machinery from valuation for Schedule A, &c.

22.—(1) No account shall be taken of the value of non-rateable machinery in ascertaining the annual value—

(*a*) of any property in Great Britain according to the general rule of No. 1 of Schedule A; or

(*b*) of any property whatsoever for the purpose of Rule 5 of the rules applicable to Cases I and II of Schedule D, or for the purpose of section eighteen of the Finance Act, 1919.

(2) The profits arising to any person from the letting of any machinery the value of which is not taken into account for the purpose of assessment to income tax under Schedule A shall be deemed to be profits chargeable to income tax under Case VI of Schedule D.

(3) In this section—

(*a*) the expression " property " means lands, tenements, hereditaments and heritages;

(*b*) the expression " machinery " includes plant, machines, tools, and appliances;

(*c*) the expression " non-rateable machinery," in relation to any property, means machinery of any description the value whereof is not taken into account for the purposes of rating under the relevant rating enactment, or would not be so taken into account if that enactment had effect with respect to the valuation of the property;

(*d*) the expression " relevant rating enactment " means—

(i) in relation to property in England or outside the United Kingdom, paragraph (*b*)

PART II. —*cont.*

of subsection (1) of section twenty-four of the Rating and Valuation Act, 1925;

15 & 16 Geo. 5. c. 90.

(ii) in relation to property in Scotland, section one of the Lands Valuation (Scotland) Amendment Act, 1902;

2 Edw. 7. c. 25.

(iii) in relation to property in Northern Ireland, section seven of the Annual Revision of Rateable Property (Ireland) Amendment Act, 1860.

23 & 24 Vict. c. 4.

Amendments as to assessment for purposes of Schedules A and B in Northern Ireland.

21 & 22 Geo. 5. c. 26.

23.—(1) Where, under section eight of an Act of the Parliament of Northern Ireland known as the Valuation Acts Amendment Act (Northern Ireland), 1932, (hereafter in this section referred to as " the Act of 1932 "), contiguous hereditaments in the occupation of one and the same occupier are valued as one rateable hereditament although held under two or more immediate lessors under different contracts of tenancy, the annual value of that rateable hereditament ascertained in accordance with the valuation shall be apportioned by the surveyor, after consultation with the Commissioner of Valuation, between the said contiguous hereditaments.

(2) Where tax is chargeable under Schedule B in respect of part, but not the whole, of a hereditament which, under the Act of 1932, is valued as one rateable hereditament, or to which an annual value has been apportioned under the last foregoing subsection, the annual value of the hereditament ascertained in accordance with the valuation or so apportioned thereto shall be apportioned or reapportioned, as the case may be, by the surveyor, after consultation with the Commissioner of Valuation, between the part of the hereditament in respect of which tax is so chargeable and the remainder thereof.

(3) If any difference arises as regards any apportionment or reapportionment made by the surveyor under this section, it shall be referred to the Special Commissioners, who may revise the apportionment or reapportionment as they think fit, and their determination thereon shall be final.

(4) Where an annual value is apportioned or reapportioned between hereditaments or parts of hereditaments under the foregoing provisions of this section, then, for the purpose of section one hundred

PART II. —*cont.*

and eighty-seven of the Income Tax Act, 1918, each of those hereditaments or parts, as the case may be, shall be deemed to be a separate hereditament, and the annual value apportioned to it shall be deemed to have been ascertained according to the survey and valuation in force for the purposes of poor rates.

17 & 18 Vict. c. 8.

(5) Where a person receives rent in respect of any hereditament which, by virtue of section two of the Valuation (Ireland) Act, 1854, is for the time being exempt from assessment for poor rates, tax under Schedule A shall be assessed and charged on him upon the full amount of the rent, less any sum liable to be paid or allowed by way of deduction from the rent under subsection (2) of section seven of the Act of 1932.

PART III.

DEATH DUTIES.

Modification of exemption from estate duty on property situate abroad. 57 & 58 Vict. c. 30.

24. The exemption from estate duty which exists by virtue of subsection (2) of section two of the Finance Act, 1894, in the case of certain property situate out of Great Britain shall, subject as hereinafter provided, cease so far as relates to any such property passing on the death of a person dying after the passing of this Act domiciled in some part of Great Britain:

Provided that nothing in this section shall operate so as to charge with duty any such property—

(*a*) which passes under or by reason of a disposition made by a person who, at the date on which the disposition took effect, was domiciled elsewhere than in some part of Great Britain, unless the disposition was made, directly or indirectly, on behalf of or at the expense of, or out of funds provided by, a person who at that date was domiciled in some part of Great Britain; or

(*b*) which by the law of the country in which it is situate is immovable property.

Extension of relief under s. 5 (2) of 57 & 58 Vict. c. 30 to cases where estate

25. The payment (whether before or after the passing of this Act) of estate duty chargeable under the law in force in Northern Ireland on the death of a party to a marriage shall, for the purpose of any relief given by subsection (2) of section five of the Finance Act, 1894, as respects the payment of any duty on the death after the passing of this Act of the other party to the marriage, have the like effect in all respects as if the duty paid had been chargeable under the law in force in Great Britain.

duty has been paid in Northern Ireland.

Exemption from death duties of certain property if sold to Friends of National Libraries.

26. Section forty-four of the Finance Act, 1921, and the proviso to subsection (2) of section forty of the Finance Act, 1930 (which provide that death duties shall not become chargeable in respect of certain property on the sale thereof to the National Gallery, British Museum, or certain other institutions and persons therein mentioned), shall have effect as if the references to such a sale included a reference to a sale after the passing of this Act to the society known as "the Friends of the National Libraries."

Extension of 21 & 22 Geo. 5. c. 28, s. 40, to land given to National Trust for Scotland.

26 Geo. 5. & 1 Edw. 8. c. ii.

27. In section forty of the Finance Act, 1931 (which provides for exemption from death duties in the case of land given to the National Trust), the expression "National Trust" shall include the body incorporated under the National Trust for Scotland Order Confirmation Act, 1935, by the name of "The National Trust for "Scotland for Places of Historic Interest or Natural "Beauty":

Provided that, in relation to the said body, the reference in the said section forty to the commencement of the Finance Act, 1931, shall be construed as a reference to the passing of this Act.

PART IV.

MISCELLANEOUS AND GENERAL.

Stamp duty on certain India and Burma stocks and securities.

23 & 24 Vict. c. 5.

54 & 55 Vict. c. 39.

28.—(1) The exemption from stamp duty in respect of Indian Government loans conferred by section two of the Indian Securities Act, 1860, shall not apply to any stock or marketable securities to which this section applies, but any such stock or securities shall be treated for the purposes of the provisions of the Stamp Act, 1891, as if they were respectively colonial stock and colonial government securities.

(2) This section applies to all stock and marketable securities issued by or on behalf of the Federation of India or the Governor-General of India in Council or the

Part III. —*cont.*

Governor of Burma, except stock or marketable securities issued by the said Governor-General in Council or Governor on behalf of the Secretary of State in Council or issued on behalf of the said Governor-General in Council by the Secretary of State.

Exemption of trade unions and trade protection associations from duty chargeable under Part II of 48 & 49 Vict. c. 51.

29.—(1) The stamp duty chargeable under Part II of the Customs and Inland Revenue Act, 1885, shall not be charged in respect of the property of any trade union or trade protection association.

(2) In this section—

(*a*) the expression "trade union" has the same meaning as in the Trade Union Act, 1913;

2 & 3 Geo. 5. c. 30.

(*b*) the expression "trade protection association" means any body of persons, whether corporate or unincorporate, the principal object whereof is the protection or furtherance of the interests of a trade or industry, or of two or more trades or industries, whether generally or in a particular district.

(3) If any question arises under this section whether a combination, not being a trade union for the time being registered or certified as such under the Trade Union Acts, 1871 to 1927, is or is not a trade union, it shall be referred to the Chief Registrar of Friendly Societies, and his decision shall be final.

Provisions as to permanent annual charge for the National Debt.

30.—(1) The permanent annual charge for the National Debt for the financial year ending on the thirty-first day of March, nineteen hundred and thirty-seven, shall be the sum of two hundred and twenty-four million pounds instead of the sum of three hundred and fifty-five million pounds.

9 & 10 Geo. 5. c. 37.

(2) The Treasury may at any time, if they think fit, raise money in any manner in which they are authorised to raise money under and for the purposes of subsection (1) of section one of the War Loan Act, 1919, for providing any sums required during the said financial year for the purposes mentioned in paragraph (*a*) or paragraph (*b*) of subsection (4) of section twenty-three of the Finance Act, 1928, and the amount required by the said subsection (4) to be issued from the permanent

annual charge for the National Debt for the purposes aforesaid in that year shall be decreased by the amount raised under this subsection.

(3) Any securities created and issued to raise money under the last preceding subsection shall be deemed to have been created and issued under subsection (1) of section one of the War Loan Act, 1919.

Provisions as to Post Office Fund.

31.—(1) For the purpose of any calculation required to be made for the purpose of section thirty-nine of the Finance Act, 1933, (which relates to the Post Office Fund) as respects the financial year ending on the thirty-first day of March, nineteen hundred and thirty-seven, the fixed contribution to the Exchequer shall be taken to be the sum of ten million seven hundred and fifty thousand pounds.

(2) If it is estimated during any financial year that the Post Office net surplus for that year will exceed the fixed contribution to the Exchequer, there may be paid from the Consolidated Fund to the Post Office Fund such sums as the Treasury think fit on account of the estimated excess, but if it is subsequently found that the Post Office net surplus for that year was less than the fixed contribution to the Exchequer, or that the actual excess was less than the sums so paid, the fixed contribution to the Exchequer for the next following financial year shall be increased by the amount of the sums so paid or by the amount by which the actual excess falls short of those sums, as the case may be.

(3) In this section the expression " the Post Office net surplus " has the same meaning as in Part IV of the Finance Act, 1933.

Provisions as to securities in the hands of National Debt Commissioners under Part VI of 15 & 16 Geo. 5. c. 49.

32.—(1) So much of any dividends received by the National Debt Commissioners on securities held by them for the purpose of Part VI of the Supreme Court of Judicature (Consolidation) Act, 1925, (which relates to funds in court) as, in the opinion of the Treasury, is not required for paying the sums payable by those Commissioners under that Part of that Act and for providing against depreciation in the value of those securities shall, instead of being invested as directed by subsection (1) of section one hundred and forty-five of that

Part III. —*cont.*

Act, be paid into the Exchequer from time to time as the Treasury may direct.

(2) If at any time the Treasury are satisfied, after consultation with the said Commissioners and the Accountant-General of the Supreme Court, that the securities in the hands of those Commissioners under Part VI of the said Act exceed what is reasonably required for the purposes of that Part of that Act, they may direct that the said securities shall to the extent of the excess be applied, at such time and in such manner as they think fit, towards the redemption of the National Debt.

Provisions as to Road Fund.

33.—(1) As from the first day of April, nineteen hundred and thirty-seven, the liability to issue sums out of the Consolidated Fund of the United Kingdom to the Road Fund under section two of the Roads Act, 1920, and any power to make advances to, or to borrow on the security of, the Road Fund, shall cease, and thereafter the following provisions shall have effect as respects the Road Fund (hereafter in this section and in the Third Schedule to this Act referred to as " the Fund ") :—

(*a*) there shall be paid into the Fund from time to time out of moneys provided by Parliament such sums as the Minister of Transport may, with the consent of the Treasury, determine to be required for the purposes of section eight of the Development and Road Improvement Funds Act, 1909, and for other purposes of the Fund, and the proviso to subsection (4) of section three of the Roads Act, 1920, (which limits the sums to be applied out of the Road Fund for certain purposes) shall cease to have effect;

9 Edw. 7. c. 47.

(*b*) no further payments shall be made out of the Fund by way of contribution towards the General Exchequer Contributions for England or Scotland;

(*c*) such expenses and other sums payable out of the Fund as are mentioned in Part I of the said Third Schedule shall cease to be so payable, and shall, in so far as they are not authorised to be paid out of moneys provided by Parliament, be paid out of moneys so provided;

Part III. —*cont.*

(*d*) all fees which are required to be paid into the Fund by any enactment shall, instead of being so paid, be appropriated in aid of the moneys provided by Parliament for the salaries and expenses of the Ministry of Transport.

(2) As from the said first day of April, the enactments set out in Part II of the said Third Schedule shall be repealed to the extent specified in the third column of that Schedule.

(3) During the current financial year there shall, in accordance with the directions of the Treasury, be transferred to the Exchequer from the Fund the sum of five million two hundred and fifty thousand pounds.

Signature of requisitions under ss. 13 and 15 of 29 & 30 Vict. c. 39.

34. Any requisition for a credit under section thirteen or section fifteen of the Exchequer and Audit Departments Act, 1866, may—

(*a*) if not more than one of the Commissioners of the Treasury is available, be signed by one of the said Commissioners and either by one of the Secretaries of the Treasury or by one of such officers as the Treasury may from time to time appoint to that duty; and

(*b*) if none of the said Commissioners is available, be signed either by two of the said Secretaries or by one of the said Secretaries and one of the said officers.

Short title, construction, extent and repeals.

35.—(1) This Act may be cited as the Finance Act, 1936.

39 & 40 Vict. c. 36.

(2) Part I of this Act, so far as it relates to duties of customs, shall be construed as one with the Customs Consolidation Act, 1876, and so far as it relates to duties of excise, shall be construed as one with the Acts which relate to the duties of excise and to the management of those duties, and the expression " the Commissioners " in the said Part I means the Commissioners of Customs and Excise.

(3) Part II of this Act shall be construed as one with the Income Tax Acts.

(4) Any reference in this Act to any other enactment shall be construed as a reference to that enactment as

Part III —*cont.*

amended by any subsequent enactment, including (unless the context otherwise requires) this Act.

(5) In this Act the expression "the United Kingdom" does not include the Isle of Man.

(6) Such of the provisions of this Act as relate to matters with respect to which the Parliament of Northern Ireland has power to make laws shall not extend to Northern Ireland.

(7) The enactments set out in the Fourth Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

SCHEDULES.

Section 6.

FIRST SCHEDULE.

IRON AND STEEL GOODS IN RESPECT OF WHICH ORDERS MAY BE MADE REMOVING OR REDUCING ADDITIONAL DUTIES.

Pig Iron.

Ingots, Billets, Blooms and Slabs.

Girders, Beams, Joists and Pillars.

Angles, Shapes and Sections.

Bars and Rods.

Plates and Sheets.

Hoop and Strip.

Railway and Tramway construction material.

Wire, and manufactures wholly or mainly of wire.

Nails, staples, tacks, studs and spikes.

Bolts, bolt ends, nuts, screws, rivets and washers.

SECOND SCHEDULE.

Section 18.

Supplementary Provisions as to Prevention of Avoidance of Income Tax by Transactions resulting in the Transfer of Income to Persons Abroad.

1. Tax at the standard rate shall not be charged by virtue of the principal section in respect of income which has borne tax at the standard rate by deduction or otherwise but, save as aforesaid, tax chargeable at the standard rate by virtue of that section shall be charged under Case VI of Schedule D and all assessments in respect thereof shall be made by the Special Commissioners.

2. In computing the liability to income tax of an individual chargeable by virtue of the provisions of the principal section, the same deductions and reliefs shall be allowed as would have been allowed if the income deemed to be his by virtue of that section had actually been received by him.

3. Where an individual has been charged to income tax on any income deemed to be his by virtue of the principal section and that income is subsequently received by him, it shall be deemed not to form part of his income again for the purposes of the Income Tax Acts.

4. All the provisions of the Income Tax Acts relating to the charge, assessment, collection and recovery of income tax, to appeals against assessments made by the Special Commissioners and to cases to be stated for the opinion of the High Court shall apply to any income tax chargeable by virtue of the principal section, so far as they are applicable and subject to any necessary modifications.

5. For the purposes of an assessment under the principal section the Special Commissioners shall have any of the powers of a surveyor, and for the purpose of the representation of the Crown before the Special Commissioners on any appeal under this Schedule, any person nominated in that behalf by the Commissioners of Inland Revenue shall have all such powers as a surveyor has at and upon the determination of an appeal.

6. The Special Commissioners may by notice in writing require any person to furnish them within such time as they may direct (not being less than twenty-eight days) with such particulars as they think necessary for the purpose of the

2nd Sch. —*cont.* principal section, and if that person, without reasonable excuse, fails to comply with the notice he shall be liable to a penalty not exceeding fifty pounds, and, after judgment has been given for that penalty, to a further penalty of the like amount for every day during which the failure continues.

7. Without prejudice to the provisions of the last foregoing paragraph, if any individual fails to furnish any particulars required under this Schedule, or if the Special Commissioners are not satisfied with any particulars furnished under this Schedule, they may make an estimate of the amount of the income which, by virtue of the provisions of the principal section, is to be deemed to be the income of the individual for the purposes of the Income Tax Acts.

Section 33.

THIRD SCHEDULE.

Provisions as to Road Fund.

Part I.

Expenses &c. to be paid out of Moneys provided by Parliament instead of being payable out of Road Fund.

1. Amounts payable out of the Fund by virtue of paragraph (*a*) of subsection (4) of section three of the Roads Act, 1920 (which relates to the expenses of county councils in levying the duties on mechanically propelled vehicles, the registration of such vehicles and the issuing of licences).

2. Sums payable out of the Fund by virtue of paragraph (*b*) of the said subsection (4) (which, as amended by section eighty-nine of the Road Traffic Act, 1930, relates to amounts which would have been received by local or police authorities, if the Roads Act, 1920, had not been passed, on account of fees or charges for the licensing of mechanically propelled hackney carriages other than public service vehicles). 20 & 21 Geo. 5. c. 43.

3. Expenses incurred by and in connection with the Roads Department of the Ministry of Transport which are payable out of the Fund by virtue of the following enactments, namely:—

(*a*) paragraph (*c*) of subsection (4) of section three of the Roads Act, 1920;

(*b*) subsection (1) of section one hundred and fifteen of the Road Traffic Act, 1930; 3rd Sch. —*cont.*

(*c*) paragraph (*b*) of subsection (5) of section fifty-one of the London Passenger Transport Act, 1933; 23 & 24 Geo. 5. c. 14.

(*d*) subsection (3) of section twenty-four of the Road and Rail Traffic Act, 1933; 23 & 24 Geo. 5. c. 53.

(*e*) subsection (1) of section nineteen of the Restriction of Ribbon Development Act, 1935; 25 & 26 Geo. 5. c. 47.

but not including such expenses incurred in disseminating knowledge or otherwise informing the minds of the people with a view to promoting safety on roads as are referred to in subsection (1) of the said section one hundred and fifteen.

4. Expenses incurred by other Government Departments which are payable out of the Fund by virtue of paragraph (*e*) of subsection (4) of section three of the Roads Act, 1920.

5. Expenses incurred by the Minister of Transport or the London and Home Counties Traffic Advisory Committee or the members thereof, which are payable out of the Fund by virtue of section fifteen of the London Traffic Act, 1924. 14 & 15 Geo. 5. c. 34.

6. Expenses incurred by the Minister of Transport under the provisions of the Roads Improvement Act, 1925, which are payable out of the Fund by virtue of section eight of that Act, other than expenses incurred under the provisions of sections one, four and six of that Act. 15 & 16 Geo. 5. c. 68.

7. Charges which are deemed to be included in the expenses referred to in the last four foregoing paragraphs by virtue of subsection (2) of section one hundred and fifteen of the Road Traffic Act, 1930.

8. Sums which are payable out of the Fund by virtue of paragraph 14 of the Fourth Schedule to the Road Traffic Act, 1930 (which, as amended by the Second Schedule to the Road Traffic Act, 1934, relates to sums payable under the first-mentioned Schedule by way of compensation for loss suffered by virtue of section one hundred and twenty-two of the Road Traffic Act, 1930, or of anything done in pursuance or in consequence thereof). 24 & 25 Geo. 5. c. 50.

9. Sums which are payable out of the Fund by virtue of subsection (3) of section thirty-eight of the Road Traffic Act, 1934 (which relates to compensation in cases where an agreement has been made under section one hundred and five of the Road Traffic Act, 1930).

3rd Sch. —*cont.*

Part II.

Enactments Relating to Road Fund Repealed as from 1st April, 1937.

Session and Chapter.	Short Title.	Extent of Repeal.
9 Edw. 7. c. 47.	The Development and Road Improvement Funds Act, 1909.	Section thirteen.
10 & 11 Geo. 5. c. 72.	The Roads Act, 1920	Section two and the proviso to subsection (4) of section three.
16 & 17 Geo. 5. c. 22.	The Finance Act, 1926	Section forty-two.
18 & 19 Geo. 5. c. 17.	The Finance Act, 1928	Section twenty-seven, and in section twenty-eight the words from " and any sums " to the end of the section.
19 & 20 Geo. 5. c. 17.	The Local Government Act, 1929.	Section eighty-seven.
19 & 20 Geo. 5. c. 25.	The Local Government (Scotland) Act, 1929.	Section fifty-four.
20 & 21 Geo. 5. c. 43.	The Road Traffic Act, 1930.	Subsection (2) of section eighty-eight; in section one hundred and seventeen the words from "and any sums" to the end of the section.
21 & 22 Geo. 5. c. 28.	The Finance Act, 1931	Section thirty-six.
21 & 22 Geo. 5. c. 49.	The Finance (No. 2) Act, 1931.	Section twenty.
22 & 23 Geo. 5. c. 25.	The Finance Act, 1932.	Section twenty-eight.
23 & 24 Geo. 5. c. 8.	The Local Government (General Exchequer Contributions) Act, 1933.	Paragraph (*b*) of section one.
23 & 24 Geo. 5. c. 19.	The Finance Act, 1933.	Section forty.
23 & 24 Geo. 5. c. 53.	The Road and Rail Traffic Act, 1933.	Subsection (3) of section twenty-three.
24 & 25 Geo. 5. c. 32.	The Finance Act, 1934.	Section twenty-six.

FOURTH SCHEDULE.

Section 35.

Miscellaneous Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
8 & 9 Geo. 5. c. 40.	The Income Tax Act, 1918.	Subsection (6) of section one hundred and eighty-seven.
10 & 11 Geo. 5. c. 18.	The Finance Act, 1920	As from the first day of January, nineteen hundred and thirty-seven, paragraph two of the Second Schedule.
12 & 13 Geo. 5. c. 17.	The Finance Act, 1922	In subsection (6) of section twenty-one, the words from "A company shall be "deemed to be under the "control" to the end of the subsection.
22 & 23 Geo. 5. c. 25.	The Finance Act, 1932	Subsections (1) and (4) of section one.
25 & 26 Geo. 5. c. 24.	The Finance Act, 1935	Section six.

CHAPTER 35.

An Act to amend the enactments relating to solicitors, and for purposes connected therewith.
[16th July 1936.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Part I.

Amendments of Part II of the Solicitors Act, 1932.

Articles of Clerkship.

Solicitor to practise five years before taking articled clerk.

1.—(1) No solicitor who has not at some time been in continuous practice as a solicitor for a period of five years shall, without the special leave in writing of the Society, take any articled clerk.

PART I. —*cont.*

(2) Service by an articled clerk to a solicitor who has taken him in contravention of the provisions of subsection (1) of this section shall not, unless the Master of the Rolls sees fit to direct otherwise, be deemed to be good service by the clerk under his articles.

Evidence of good character and suitability by persons entering into articles.

2.—(1) Not less than six weeks before any person becomes bound by articles of clerkship he shall give notice to the Society of his intention so to do, and shall furnish the Society with such evidence as to his character, and his fitness and suitability for service under articles, as the Society may by regulations require.

(2) The Society, if they are satisfied with the evidence so furnished, shall issue to the person in question their written consent to his entry into articles.

22 & 23 Geo. 5. c. 37.

(3) The Registrar shall refuse to register any articles produced to him under section sixteen of the Solicitors Act, 1932, (in this Act referred to as " the principal Act ") unless the articles are accompanied by a consent issued under this section and dated not earlier than six months before the date of the production of the articles.

(4) Service by a clerk under articles of which registration has been refused under this section shall not be deemed to be good service by the clerk under his articles.

Amendment of Schedule I of the principal Act as to term of service under articles.

3.—(1) The following paragraph shall be substituted for paragraph seven of the First Schedule to the principal Act:—

" (7) The Master of the Rolls, with the concurrence of the Lord Chancellor and the Lord Chief Justice, or of one of them, may make regulations directing that—

(*a*) in the case of any person who has passed any examination held in or by a university specified in the Second Schedule to this Act or any college or educational institution specified in the regulations, the term shall be four and a half years;

(*b*) in the case of any person who has passed any such two of the said examinations as may be specified in that behalf in the regulations, the term shall be four years; and (*c*) in the case of any person who, before entering into articles, has attended a course of legal instruction specified in the regulations and has passed any examination so specified as a qualifying examination in relation to that course, the term shall be four years."

(2) Nothing in this subsection shall affect any person who immediately before the commencement of this Act was by virtue of having passed any examination entitled to claim the benefit of the said paragraph seven as originally enacted.

Fee payable on registration of articles.

4. The fee payable to the Registrar by a person producing articles for registration under subsection (1) of section sixteen of the principal Act shall be twenty shillings, and accordingly in subsection (3) of the said section for the word " five " there shall be substituted the word " twenty ".

Power of Society to discharge articles in certain cases.

5.—(1) If—

(*a*) during the term of any articles either the clerk or the solicitor has been continuously absent from the solicitor's place of business for a period of three months or longer; or

(*b*) the Society are for any other reason of opinion that the articles ought to be discharged,

the Society may, on the application either of the solicitor or of the clerk, discharge the articles upon such terms, including terms as to return of premium, as they think fit, and determine what period, if any, of service by the clerk under the articles shall be deemed to be good service:

Provided that so much of any period during which a clerk is absent from the solicitor's place of business as is ascribable to any such employment as is mentioned in section twenty of the principal Act (which relates to the reckoning of service as a pupil with the solicitor's London agent or with a barrister) shall be left out of account for the purposes of this subsection.

(2) In subsection (1) of section twenty-five of the principal Act (which enables a clerk to be bound by fresh articles in certain cases, including the case where his

Part I. —*cont.*

articles are discharged by the High Court), after the words "by the High Court" there shall be inserted the words "or the Society", and in subsection (2) of the said section the reference to the foregoing provisions of Part II of the principal Act with respect to the registration of articles shall be construed as including a reference to the provisions of this Part of this Act with respect to the registration of articles.

Examinations.

Amendments as to exemption from preliminary examination.

6.—(1) In paragraph (*a*) of subsection (1) of section twenty-eight of the principal Act (which exempts from the preliminary examination persons who have taken degrees in arts or law at certain universities), for the words "or law" there shall be substituted the words "law or science".

(2) In paragraph (*b*) of the said subsection (1) (which exempts from the preliminary examination persons who have passed matriculation examinations at certain universities, or examinations accepted by those universities as exempting from matriculation examinations), after the words "or any examination accepted by any such university as exempting from those examinations" there shall be inserted the words "and approved by the Society".

(3) A person shall not, by virtue of paragraph (*b*) of subsection (1) of the said section twenty-eight or by virtue of subsection (3) of that section, be exempted from the preliminary examination by reason that he has passed, at any date after one year has expired from the commencement of this Act, any examination, unless Latin was one of the subjects of the examination and he satisfied the examiners in that subject.

(4) Nothing in this section shall affect the power of the Master of the Rolls and the Lord Chief Justice under section twenty-nine of the principal Act to grant special exemptions from the preliminary examination, or any part thereof.

Amendments of s. 32 of the principal Act as to

7.—(1) In the case of a person articled after the commencement of this Act, the attendance at a course of legal education at a law school required by section thirty-two of the principal Act shall, except with the consent in writing of the Society, commence not later than fifteen months after the execution of his articles, and if any person fails to comply with the provisions of this subsection the period which elapses between the expiration of the said period of fifteen months and the date on which he commences his attendance at such a course shall be left out of account in computing, for the purposes of the principal Act, the terms during which he has served under his articles.

attendance at a law school before final examination.

For the purposes of this subsection a person shall be deemed to commence to attend at a course on the first day of the first term during which he complies with the requirements of the Society as to attendance at such a course, and the head of any law school provided by the Society, or approved by the Society for the purposes of the said section thirty-two, shall at the end of any term, if required by any person so to do, certify, if it be the fact, that that person has during that term complied with the said requirements of the Society, and certify also the date of the commencement of that term, and the certificate shall be conclusive evidence for the purposes of this subsection of the facts therein certified.

(2) The Society may by regulations require persons attending courses of legal education in pursuance of the said section thirty-two to submit themselves to such tests at the expiration of such periods as may be specified in the regulations, for the purpose of satisfying the Society of their diligence and application during those periods, and if on any such test a person fails so to satisfy the Society, the Society may refuse to count the whole or any part of the period to which that test relates as part of the period of one year mentioned in the said section thirty-two.

(3) The said section thirty-two shall not apply—

(*a*) to a person who has been called to the Bar in England or Northern Ireland, or has been admitted a member of the Faculty of Advocates in Scotland, or is a solicitor in Scotland, or is enrolled as a solicitor in Northern Ireland;

(*b*) to a person articled after the commencement of this Act who proves to the satisfaction of the Society, or on appeal to the satisfaction of

PART I. —*cont.*

the Master of the Rolls, that he has taken a degree at any university specified in the Second Schedule to the principal Act after passing any such examination in law as may be specified in regulations to be made by the Society under section twenty-six of the principal Act.

Paragraph (*i*) of proviso (*c*) to subsection (1) of the said section thirty-two (which exempts certain persons who have taken degrees in law from the provisions of the section) shall cease to have effect except as respects persons articled before the commencement of this Act.

(4) The Society shall supply a list of law schools provided by the Society, or for the time being approved by the Society for the purposes of the said section thirty-two, to any person who applies for such a list, and to every person to whom a consent to enter into articles is issued by the Society under the foregoing provisions of this Act.

Subsection (2) of the said section thirty-two shall cease to have effect.

General.

Supplemental.

8. The provisions of this Part of this Act shall have effect as if they formed part of Part II of the principal Act, and the provisions of subsections (4) and (5) of section twenty-six of the principal Act shall apply to regulations made by the Society under this Part of this Act as they apply to the regulations made under that section.

PART II.

MISCELLANEOUS.

Production of orders of Court to Registrar, and power of Registrar to draw up certain orders.

9.—(1) Where on an application made by any person under the principal Act an order is made by the High Court or the Court of Appeal that the name of a solicitor be removed from, or struck off, the Roll, or that a solicitor be suspended from practice, the proper officer of the Court shall forthwith send to the Registrar a copy of the order, and the Registrar shall enter a note thereof on the Roll in connection with the name of the solicitor and, where the order so directs, shall remove, or strike off, the name.

Part II. —*cont.*

(2) Section eleven of the principal Act shall cease to have effect.

(3) In section ten of the principal Act (which relates to the power of the Registrar to draw up orders), after the words " the High Court " there shall be inserted the words " or the Court of Appeal ".

Amendment of s. 37 (1) (*a*) of the principal Act.

10. Subsection (1) of section thirty-seven of the principal Act, which provides that the declaration required to be delivered to the Registrar by, or by an agent of, a person applying for a practising certificate may, if the applicant's place of business is more than twenty miles from London, be signed by his London agent on his behalf, shall have effect as if for the words " more than twenty miles from London " there were substituted the words " not within ten miles from the General Post Office in the City of London."

Amendment of s. 38 of the principal Act.

11. In section thirty-eight of the principal Act (which confers on the Registrar a discretion to refuse a practising certificate in certain special cases), after paragraph (*c*) there shall be inserted the following paragraphs—

" or

(*d*) having failed to obtain a practising certificate within the twelve months next following the date of his admission to the Roll, first applies for such a certificate; or

(*e*) applies for a practising certificate whilst he is a person to whom the powers and provisions of Part IV of the Lunacy Act, 1890, relating to management and administration apply."

53 & 54 Vict. c. 5.

Extension of time for instituting proceedings in cases of certain offences.

12. Proceedings in respect of an offence under section forty-eight of the principal Act (which relates to unqualified practitioners preparing certain documents for the purposes of the Land Registration Act, 1925), or an offence under section forty-nine of the said Act (which relates to unqualified practitioners acting in the preparation of papers for probate), may, notwithstanding anything in the Summary Jurisdiction Acts, be brought at any time within two years next after the commission of the offence or within six months next after the first discovery thereof by the prosecutor, whichever period is the shorter.

15 & 16 Geo. 5. c. 21.

Part II. —*cont.*

Provisions as to service of documents at solicitor's place of business.

13.—(1) For the purpose of facilitating the service of notices and other documents, every solicitor who holds, or has applied for, a practising certificate shall give notice to the Registrar of any change in his place or places of business within fourteen days after the date on which the change takes effect, and every such notice shall be deemed to be, and shall be recorded by the Registrar as, an amendment of the latest declaration delivered by the solicitor to the Registrar under section thirty-seven of the principal Act.

(2) Any notice or other document which is required or authorised by or under the principal Act to be served on a practising solicitor may, without prejudice to any other method of service, be served by sending it in a registered letter addressed to him at any place specified as his place of business, or one of his places of business, in the latest declaration so delivered by him as amended by any such notice as aforesaid.

Evidence in proceedings before disciplinary committee.

14.—(1) For the removal of doubts it is hereby declared that an application to, or an inquiry or other proceeding before, a disciplinary committee appointed under section four of the principal Act, or under any corresponding provision in the enactments relating to solicitors in Scotland and Northern Ireland, is a "legal proceeding" within the meaning of that expression as used in the Bankers Books Evidence Act, 1879.

42 & 43 Vict. c. 11.

(2) This section extends to Scotland and Northern Ireland.

Evidence as to solicitors in Scotland.

15. For the purposes of the principal Act—

(*a*) a letter purporting to be signed by or on behalf of the Registrar of Solicitors in Scotland stating that a person specified therein is or is not a solicitor in Scotland shall be evidence that that person is or, as the case may be, is not a solicitor in Scotland; and

(*b*) a letter purporting to be signed by or on behalf of the Comptroller of Stamps and Taxes at Edinburgh stating with respect to a person and a period specified in the letter that no stamped certificate covering any part of that period was issued in Scotland to that person

Part II.—*cont.*

54 & 55 Vict. c. 39.

under section forty-seven of the Stamp Act, 1891, shall be evidence that that person was not during any part of that period a duly certificated solicitor in Scotland.

Amendments of principal Act consequential on the passing of the Solicitors (Scotland) Act, 1933. 23 & 24 Geo. 5. c. 21.

16. The amendments specified in the Schedule to this Act, being amendments consequential on the passing of the Solicitors (Scotland) Act, 1933, shall be made in the provisions of the principal Act referred to in that Schedule.

Short title, construction, commencement and extent.

17.—(1) This Act may be cited as the Solicitors Act, 1936, and the Solicitors Acts, 1932 to 1934, and this Act shall be construed together as one Act and may be cited together as the Solicitors Acts, 1932 to 1936.

(2) This Act shall come into operation on the first day of January, nineteen hundred and thirty-seven.

(3) This Act, save in so far as the contrary is expressly provided, shall not extend to Scotland or Northern Ireland.

SCHEDULE.

Section 16.

Amendments of the principal Act consequential on the passing of the Solicitors (Scotland) Act, 1933.

In subsection (6) of section thirty-five, after the words "as a law agent" there shall be inserted the words "or as a solicitor," and for the words "remaining a law agent" there shall be substituted the words "remaining a solicitor."

In subsection (1) of section forty-seven, for the words "law agent" there shall be substituted the words "solicitor in Scotland."

In subsection (1) of section eighty-one, after the definition of "Solicitor" there shall be inserted the following definition :

> "'Solicitor in Scotland' means a person enrolled or deemed to have been enrolled as a solicitor in pursuance of the Solicitors (Scotland) Act, 1933."

In paragraph 5 of Schedule 1, for the words "or as "a solicitor in the Supreme Courts of Scotland, or as a "Procurator before any of the Sheriff Courts of Scotland" there shall be substituted the words "or become a solicitor in Scotland."

CHAPTER 36.

An Act to make provision with respect to the liability of pilotage authorities and others.

[16th July 1936.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Limitation of liability of pilotage authorities.

1.—(1) A pilotage authority (as defined in this Act) shall not, where without their actual fault or privity any loss or damage is caused to any vessel or vessels or to any goods, merchandise or other things whatsoever on board any vessel or vessels or to any other property or rights of any kind, whether on land or on water or whether fixed or moveable, be liable to damages beyond the amount of one hundred pounds multiplied by the number of pilots holding licences from the pilotage authority under section sixteen of the Pilotage Act, 1913, for the pilotage district of the pilotage authority at the date when the loss or damage occurs.

2 & 3 Geo. 5. c. 31.

(2) Nothing in this section shall impose any liability in respect of any such loss or damage as aforesaid on any pilotage authority in any case where no such liability would have existed if this Act had not been passed.

Limitation of liability where several claims on one occasion.

2. The limitation of liability under section one of this Act shall relate to the whole of any losses and damages which may arise upon any one distinct occasion although such losses and damages may be sustained by more than one person, and shall apply whether the liability arises at common law or under any public general or local Act of Parliament and notwithstanding anything contained in such Act.

Power of Courts to consolidate claims.

3. Where any liability is alleged to have been incurred by a pilotage authority in respect of any loss or damage to which section one of this Act applies and several claims are made or apprehended in respect of that liability, then the pilotage authority may apply in England to the High Court, or in Scotland to the Court of

Session, or in Northern Ireland to the High Court of Justice in Northern Ireland, or in the Isle of Man to the High Court of Justice of the Isle of Man, and that Court may determine the amount of liability of the pilotage authority and may distribute that amount rateably among the several claimants, and may stay any proceedings pending in any other Court in relation to the same matter, and may proceed in such manner and subject to such regulations as to making persons interested parties to the proceedings, and as to the exclusion of any claimants who do not come in within a certain time, and as to requiring security from the pilotage authority, and as to payment of any costs, as the Court thinks just.

Act not to apply to pilotage authority as owners of ships.

4. Where any pilotage authority are the owners of any ship, nothing in this Act shall affect any limitation of liability conferred on them or other rights to which they are entitled as such owners by or under Part VIII of the Merchant Shipping Act, 1894, and the Merchant Shipping (Liability of Shipowners and others) Act, 1900, as respectively amended by subsequent Acts, and accordingly the foregoing provisions of this Act shall not apply to any loss or damage the liability for which can be limited under the said enactments.

57 & 58 Vict. c. 60.
63 & 64 Vict. c. 32.

Saving for funds for benefit of pilots, &c.

5. No pilots' benefit fund, pilotage annuity fund or other fund formed or maintained by a pilotage authority for the benefit of pilots, their widows or children, shall be capable of being charged or attached or taken in execution or made available by any legal process or otherwise for meeting any liability of or any claim against the pilotage authority.

As to funds of authorities acting in dual capacity.

6. If any body of persons corporate or unincorporate are the owners of any dock or canal (including any body of persons having the control or management of any dock or canal) or are a harbour authority or a conservancy authority and that body or a committee of that body are also a pilotage authority, then—

(i) No funds, revenues, moneys or other property whatsoever belonging to such body in any capacity other than as pilotage authority shall be capable of being charged or attached or taken in execution or made available by any legal process or otherwise for meeting any liability of, or any claim against, such body or any committee of such body in their capacity as pilotage authority; and

(ii) No funds, revenues, moneys or other property whatsoever belonging to such body or a committee of such body in their capacity as pilotage authority shall be capable of being charged or attached or taken in execution or made available by any legal process or otherwise for meeting any liability of, or any claim against, such body in any capacity other than as pilotage authority.

As to funds of certain Trinity Houses.

7.—(1) No funds, revenues, moneys or other property whatsoever belonging to the Trinity House or the Trinity House of Newcastle-upon-Tyne, in any capacity other than as pilotage authority, shall be capable of being charged or attached or taken in execution or made available by any legal process or otherwise for meeting any liability of, or any claim against, either such body in their capacity as pilotage authority.

(2) No funds, revenues, moneys or other property whatsoever belonging to the Trinity House or any committee or sub-commissioners of the Trinity House or the Trinity House of Newcastle-upon-Tyne, in their capacity as pilotage authority, shall be capable of being charged or attached or taken in execution or made available by any legal process or otherwise for meeting any liability of, or any claim against, any such body in any capacity other than as pilotage authority.

Meaning of pilotage authority.

8.—(1) In this Act "pilotage authority" means a body of persons or authority incorporated, constituted or established as a pilotage authority by a Pilotage Order made under the Pilotage Act, 1913, and where any existing body of persons or authority constituted or established for other purposes and with other duties or any committee of any such existing body of persons or authority are constituted or established a pilotage authority by any such Order includes that body of persons, authority or committee.

(2) Where any body of persons or authority are incorporated, constituted or established by any such Order or Orders as the pilotage authority for more than one pilotage district, this Act shall have effect as though such body of persons or authority were a separate pilotage authority for each separate pilotage district.

9. In this Act unless the context otherwise requires— Definitions.

words and expressions to which meanings are assigned by the Merchant Shipping Act, 1894, as amended by subsequent Acts, shall have the same respective meanings; and

the expression "the Trinity House of Newcastle-upon-Tyne" means the Corporation of the Master Pilots and Seamen of the Trinity House of Newcastle-upon-Tyne.

Extent of Act.

10. This Act extends to Great Britain, Northern Ireland and the Isle of Man.

Short title and construction.

11.—(1) This Act may be cited as the Pilotage Authorities (Limitation of Liability) Act, 1936, and shall be construed as one with the Pilotage Act, 1913, and the Acts amending that Act.

(2) The Pilotage Act, 1913, and this Act may be cited together as the Pilotage Acts, 1913 and 1936.

CHAPTER 37.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-seven, and to appropriate the Supplies granted in this Session of Parliament. [31st July 1936.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects the Commons of the United Kingdom in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum hereinafter mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted, and be it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

GRANT OUT OF CONSOLIDATED FUND.

Issue of £389,071,026 out of the Consolidated Fund.

1. The Treasury may issue out of the Consolidated Fund of the United Kingdom, and apply towards making good the supply granted to His Majesty for the service of the year ending on the thirty-first day of March, one thousand nine hundred and thirty-seven, the sum of three hundred and eighty-nine million, seventy-one thousand, and twenty-six pounds.

Power for the Treasury to borrow.

2.—(1) The Treasury may borrow from any person, by the issue of Treasury bills or otherwise, and the Bank of England and the Bank of Ireland may advance to the Treasury on the credit of the said sum, any sum or sums not exceeding in the whole three hundred and eighty-nine million, seventy-one thousand, and twenty-six pounds.

(2) The date of payment of any Treasury Bills issued under this section shall be a date not later than the thirty-first day of March, one thousand nine hundred and thirty-seven and section six of the Treasury Bills Act, 1877 (which relates to the renewal of bills), shall not apply with respect to those bills.

40 & 41 Vict. c. 2.

(3) Any money borrowed otherwise than on Treasury Bills shall be repaid, with interest not exceeding five pounds per cent. per annum, out of the growing produce of the Consolidated Fund, at any period not later than the next succeeding quarter to that in which the money was borrowed.

(4) Any money borrowed under this section shall be placed to the credit of the account of the Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such Fund is available.

(5) The interest on any money borrowed under this section shall be paid out of the permanent annual charge for the National Debt.

APPROPRIATION OF GRANTS.

Appropriation of sums voted for supply services.

3. All sums granted by this Act and the other Acts mentioned in Schedule (A) annexed to this Act out of the said Consolidated Fund towards making good the supply granted to His Majesty, amounting, as appears by the said schedule, in the aggregate, to the sum of six hundred and fifty-four million, two hundred and ninety-two thousand, one hundred and twenty pounds, seventeen shillings and eightpence, are appropriated, and shall be deemed to have been appropriated as from the date of the passing of the Acts mentioned in the said Schedule (A), for the services and purposes expressed in Schedule (B) annexed hereto.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

In addition to the sums hereby granted out of the Consolidated Fund, there may be applied out of any money directed under section two of the Public Accounts and Charges Act, 1891, to be applied as appropriations in aid of the grants for the services and purposes specified in Schedule (B) annexed hereto the sums respectively set forth in the last column of the said schedule.

54 & 55 Vict. c. 24.

Treasury may, in certain cases of exigency, authorise expenditure unprovided for; provided that the aggregate grants for the navy services, army services and air services respectively be not exceeded.

4.—(1) So long as the aggregate expenditure on naval, military and air services respectively is not made to exceed the aggregate sums appropriated by this Act for those services respectively, any surplus arising on any vote for those services, either by an excess of the sum realised on account of appropriations in aid of the vote over the sum which may be applied under this Act as appropriations in aid of that vote, or by saving of expenditure on that vote, may, with the sanction of the Treasury, be temporarily applied either in making up any deficiency in the sums realised on account of appropriations in aid of any other vote in the same department, or in defraying expenditure in the same department which is not provided for in the sums appropriated to the service of the department by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course.

(2) A statement showing all cases in which the sanction of the Treasury has been given to the temporary application of a surplus under this section, and showing the circumstances under which the sanction of the Treasury has been given, shall be laid before the House of Commons with the appropriation accounts of the naval, military and air services for the year, in order that any

temporary application of any surplus sanctioned by the Treasury under this section may be submitted for the sanction of Parliament.

Sanction for navy, army and air expenditure for 1934 unprovided for. 24 & 25 Geo. 5. c. 44.

5. Whereas under the powers given for the purpose by the Appropriation Act, 1934, surpluses arising on certain votes for the navy, army and air services respectively have been applied as shown in the statement set out in Schedule (C) to this Act :

It is enacted that the application of those surpluses as shown in the said statement is hereby sanctioned.

Declaration required in certain cases before receipt of sums appropriated.

6.—(1) A person shall not receive any payment out of a grant which may be made in pursuance of this Act for half-pay or army, navy, air force, or civil non-effective services, until he has subscribed such declaration as may from time to time be prescribed by a warrant of the Treasury before one of the persons prescribed by the warrant :

Provided that the Treasury may dispense with the production of a declaration under this section in respect of any payment if either—

(*a*) such a declaration has been subscribed within a period of twelve calendar months preceding the date of the payment, or such longer period as the Treasury may in any particular case allow; or

(*b*) the payment is made through a banker who has entered into an undertaking in such form as may be approved by the Treasury with respect to the notification of circumstances coming to the knowledge of the banker which might affect the right to such payments of the person to whom the payment is made.

(2) Any person who makes a declaration for the purpose of this section knowing the same to be untrue in any material particular shall be guilty of a misdemeanour.

Short title.

8. This Act may be cited for all purposes as the Appropriation Act, 1936.

ABSTRACT

OF

SCHEDULES (A) and (B) to which this Act refers.

SCHEDULE (A.)

Section 3.

	£	s.	d.
Grants out of the Consolidated Fund - -	654,292,120	17	8

SCHEDULE (B.)—Appropriations of Grants.

Section 3.

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
1934 and 1935.	£	s.	d.	£	s.	d.
Part 1. Civil Departments Excess, 1934 - - -	1,249	17	8	1,888	18	5
,, 2. Navy (Supplementary), 1935	4,850,000	0	0	150,000	0	0
,, 3. Army (Supplementary), 1935	1,350,000	0	0	515,000	0	0
Army (Royal Ordnance Factories) (Supplementary), 1935 -	100	0	0	368,400	0	0
,, 4. Air (Supplementary), 1935	1,611,000	0	0	205,000	0	0
,, 5. Civil and Revenue Departments (Supplementary), 1935	6,166,845	0	0	*—*457,451*	*0*	*0*
£	13,979,194	17	8	782,837	18	5

* Deficit.

Sched. (B.) Appropriations of Grants.

SCHEDULE (B.)—Appropriations of Grants—*cont.*

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
1936.	£	*s.*	*d.*	£	*s.*	*d.*
Part 6. Navy - -	81,289,000	0	0	2,859,726	0	0
,, 7. Army - -	55,881,000	0	0	5,827,000	0	0
Army (Royal Ordnance Factories) -	333,700	0	0	5,653,400	0	0
,, 8. Air Force - -	50,700,000	0	0	5,005,600	0	0
£	188,203,700	0	0	19,345,726	0	0
Part 9. Civil, Class I -	2,266,387	0	0	2,912,167	0	0
,, 10. Civil, Class II -	9,400,138	0	0	825,865	0	0
,, 11. Civil, Class III -	19,219,319	0	0	2,464,165	0	0
,, 12. Civil, Class IV -	58,044,527	0	0	6,487,423	0	0
,, 13. Civil, Class V -	162,724,355	0	0	11,544,223	0	0
,, 14. Civil, Class VI -	18,767,725	0	0	3,763,160	0	0
,, 15. Civil, Class VII -	8,663,440	0	0	2,477,710	0	0
,, 16. Civil, Class VIII	44,988,108	0	0	11,364	0	0
,, 17. Civil, Class IX -	45,199,427	0	0	6,458,573	0	0
TOTAL, CIVIL £	369,273,426	0	0	36,944,650	0	0
Part 18. Revenue Departments, &c. -	82,835,800	0	0	3,599,676	0	0
GRAND TOTAL £	654,292,120	17	8	60,672,889	18	5

SCHEDULE (A.)

Grants out of the Consolidated Fund.

	£	s.	d.
For the service of the year ended on the 31st day of March 1935—			
Under Act 26 Geo. 5. & 1 Edw. 8. c. 11 -	1,249	17	8
For the service of the year ending on the 31st day of March 1936—			
Under Act 26 Geo. 5. & 1 Edw. 8. c. 8. -	10,551,100	0	0
For the service of the year ending on the 31st day of March 1936—			
Under Act 26 Geo. 5. & 1 Edw. 8. c. 11 -	3,426,845	0	0
For the service of the year ending on the 31st day of March 1937—			
Under Act 26 Geo. 5. & 1 Edw. 8. c. 11 -	251,241,900	0	0
Under this Act - - - - - -	389,071,026	0	0
Total - - - - - £	654,292,120	17	8

SCHEDULE (B.)—Part I.

Civil Departments Excess 1934.

	Sums not exceeding					
	Supply Grants.			Appropriations in Aid.		
	£	s.	d.	£	s.	d.
Sum granted to make good an Excess on the Grant for Public Buildings Overseas for the year ended 31st March 1935 - - -	1,249	17	8	1,888	18	5

Sched. (B.) Part 2. Navy (Supplementary), 1935.

SCHEDULE (B.)—Part 2.

NAVY (SUPPLEMENTARY), 1935.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to meet expenditure beyond the sum already provided in the grants for Navy Services for the year ended on the 31st day of March 1936, including expenditure consequent upon the special measures taken in connection with the Italo-Abyssinian dispute.

Vote.	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
1. Wages, &c., of officers and men of the Royal Navy, and Royal Marines, &c.	260,000	—
2. Victualling and clothing for the Navy	182,000	*—*10,000*
3. Medical establishments and services	27,800	—
4. Fleet Air Arm	120,000	—
5. Educational services	5,200	—
6. Scientific services	*Cr.* 2,700	10,000
8. Shipbuilding repairs, maintenance, &c.—		
Section I—Personnel	365,000	23,000
Section II—Matériel	1,680,000	70,000
Section III—Contract work	1,397,000	5,000
9. Naval armaments	895,700	—
10. Works, buildings, and repairs at home and abroad	*Cr.*232,000	22,000
11. Miscellaneous effective services	125,000	30,000
12. Admiralty office	27,000	—
Total, Navy (Supplementary) 1935 £	4,850,000	150,000

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* Deficit.

SCHEDULE (B.)—Part 3.

Sched. (B.) Part 3. Army (Supplementary), 1935.

ARMY (SUPPLEMENTARY), 1935.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to meet expenditure beyond the sum already provided in the Grants for Army Services for the year ended on the 31st day of March 1936, including expenditure consequent upon the special measures taken in connection with the Italo-Abyssinian dispute.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. Pay, &c., of the Army - - -	*Cr.*248,000	385,000
2. Territorial Army and Reserve forces	120,000	—
3. Medical services - - - - -	76,000	—
4. Educational establishments - -	11,000	—
5. Quartering and movements - -	404,000	—
6. Supplies, road transport and remounts	277,000	32,000
7. Clothing - - - - - - - -	41,000	—
8. General stores - - - - - -	67,000	12,000
9. Warlike stores - - - - -	368,000	86,000
10. Works, buildings and lands - -	226,000	—
11. Miscellaneous effective services -	*Cr.* 24,000	—
12. War Office - - - - - -	10,000	—
13. Half-pay, retired pay and other non-effective charges for officers -	13,000	—
14. Pensions and other non-effective charges for warrant officers, non-commissioned officers, men, and others - - - - - -	9,000	—
Total, Army (Supplementary) 1935 - - - £	1,350,000	515,000

SCHED. (B.) PART 3. Army (Royal Ordnance Factories) (Supplementary), 1935.

SCHEDULE (B.)—PART 3—*continued.*

ARMY (ROYAL ORDNANCE FACTORIES) (SUPPLEMENTARY), 1935.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to meet expenditure beyond the sum already provided in the Grant for the Service of the Royal Ordnance Factories - - - - - -	100	333,400
Together with a sum to be transferred from the Supplies Suspense Account -	—	35,000
TOTAL ARMY (ROYAL ORDNANCE FACTORIES) (SUPPLEMENTARY) - £	100	368,400

SCHEDULE (B.)—Part 4.

Sched. (B.)
Part 4.
Air Services
(Supplementary),
1935.

AIR SERVICES (SUPPLEMENTARY), 1935.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to meet expenditure beyond the sum already provided in the grants for Air Services for the year ended on the 31st day of March 1936, including expenditure consequent upon the special measures taken in connection with the Italo-Abyssinian dispute.

Vote.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
1.	Pay, &c., of the Royal Air Force -	73,000	*—2,000
2.	Quartering, stores (except technical), supplies and transportation -	488,000	8,000
3.	Technical and warlike stores (including experimental and research services) - - - - - -	450,000	120,000
4.	Works, buildings and lands - -	807,500	77,000
5.	Medical services - - - - -	18,000	3,500
6.	Technical training and educational services - - - - - -	8,000	—
7.	Auxiliary and reserve forces - -	*Cr.* 40,000	—
8.	Civil aviation - - - - -	*Cr.* 158,500	*—4,500
9.	Meteorological and miscellaneous effective services - - - - -	*Cr.* 21,000	3,000
11.	Half-pay, pensions and other non-effective services - - - - -	*Cr.* 14,000	—
	Total, Air Services (Supplementary) 1935 - - £	1,611,000	205,000

* Deficit.

Sched. (B.) Part 5. Civil and Revenue Departments (Supplementary), 1935.

SCHEDULE (B.)—Part 5.

Civil and Revenue Departments (Supplementary), 1935.

Schedule of Supplementary Sums, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1936, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL.		
Class I.	£	£
Vote.		
1. For the salaries and expenses of the offices of the House of Lords -	10	729
6. For the salaries and expenses of the office of the Lord Privy Seal -	570	—
8. For the salaries and expenses of the Civil Service Commission - -	10	4,600
22. For certain miscellaneous expenses, including certain grants in aid, and supplement to certain statutory salaries - - -	88,180	—
24. For the salaries and expenses of the offices of His Majesty's Secretary of State for Scotland in London and Edinburgh; expenses under the Private Legislation Procedure (Scotland) Act, 1899; a subsidy for Transport Services to the Western Highlands and Islands; a grant in lieu of Land Tax; and contributions towards the expenses of Probation, and of Remand Homes - - - - -	2,630	675
Carried forward - - £	91,400	6,004

SCHEDULE (B.)—Part 5—*continued.*

Sched. (B). Part 5. Civil and Revenue Departments (Supplementary), 1935.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL—*cont.*	£	£
Brought forward - -	91,400	6,004
Class I—*cont.*		
Vote.		
26. For such of the charges for the withdrawal of the remaining half of the abatements of Ministerial Salaries and Civil Service Remuneration as have not been otherwise provided - - -	50,000	—
27. For the expenses of the Funeral of His late Majesty King George V -	25,000	—
Class II.		
1. For the salaries and expenses of the department of His Majesty's Secretary of State for Foreign Affairs and the salary of a Minister without Portfolio - - -	10	8,690
3. For a Contribution towards the expenses of the League of Nations and for other expenses in connection therewith, including United Kingdom Representation before the Permanent Court of International Justice and a grant in aid of the expenses of settlement of Assyrians of Iraq - - -	57,000	—
9. For sundry Colonial and Middle Eastern Services under His Majesty's Secretary of State for the Colonies, including certain non-effective services and grants in aid - - - - - - -	131,360	4,000
Carried forward - £	354,770	18,694

Sched. (B.)
Part 5.
Civil and Revenue Departments (Supplementary), 1935.

SCHEDULE (B.)—Part 5—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
CIVIL—*cont.*		
Brought forward - - -	354,770	18,694
Class III.		
Vote.		
5. For grants in respect of the expenses of the managers of approved schools in England and Wales; the expenses of local authorities in respect of children and young persons committed to their care; and the expenses of the councils of counties and county boroughs in respect of remand homes -	21,500	500
13. For the salaries and expenses of the Prisons Department for Scotland and of the prisons under their control, including the maintenance of criminal lunatics, defectives, and inmates of the State inebriate reformatory, and the preparation of judicial statistics - - -	3,490	670
14. For grants in respect of the expenses of the managers of approved schools and of the expenses of Education Authorities in Scotland in respect of children and young persons committed to their care -	4,000	200
Class IV.		
14. For the salaries and expenses of the National Library, Scotland, including a grant in aid - - -	215	—
Carried forward - - £	383,975	20,064

SCHEDULE (B.)—PART 5—*continued.*

SCHED. (B.) PART 5. Civil and Revenue Departments (Supplementary), 1935.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL—*cont.*	£	£
Brought forward - - -	383,975	20,064
CLASS V.		
Vote.		
1A. For grants to Public Assistance Authorities in England and Wales	1,900,000	—
8. For the salaries and expenses of the Ministry of Labour, including sums payable by the Exchequer to the Unemployment Fund, grants to local authorities, associations and other bodies under the Unemployment Insurance, Labour Exchanges and other Acts; grant in aid of the National Council of Social Service; expenses of training, transfer and resettlement; contribution towards the expenses of the International Labour Organisation (League of Nations); expenses of the Industrial Court; and sundry services - - -	300,000	*—*500,000*
13. For the salaries and expenses of the Department of Health for Scotland; including grants and other expenses in connection with housing, certain grants to local authorities, &c., grant in aid of the Highlands and Islands medical service, grants in aid of benefits and expenses of administration under the National Health Insurance Acts; certain expenses in connection with the Widows', Orphans', and Old Age Contributory Pensions Acts, and other services - - - - - -	10	—
Carried forward - - £	2,583,985	*—*479,936*

* Deficit.

SCHED. (B.)
PART 5.
Civil and Revenue Departments (Supplementary), 1935.

SCHEDULE (B.)—PART 5—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL—*cont.*	£	£
Brought forward - - -	2,583,985	**—*479,936*
Vote. 17. For grants to Public Assistance Authorities in Scotland - -	840,000	—
CLASS VI.		
1. For the salaries and expenses of the office of the Committee of Privy Council for Trade, and subordinate Departments, including certain services arising out of the War -	5,000	—
8. For the salaries and expenses of the Ministry of Agriculture and Fisheries, and of the Royal Botanic Gardens, Kew, including grants and grants in aid in respect of agricultural education and research, eradication of diseases of animals, and fishery research; and grants, grants in aid, loans and expenses in respect of improvement of breeding, &c., of live stock, land settlement, improvement of cultivation, drainage, &c., regulation of agricultural wages, agricultural credits, and marketing, fishery development; and sundry other services - - -	101,500	*—*26,500*
Carried forward - £	3,530,485	*—*506,436*

* Deficit.

SCHEDULE (B.)—Part 5—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL—*cont.*	£	£
Brought forward - -	3,530,485	*—*506,436*
Vote.		
20. For payments in respect of milk used for manufacture in Scotland, payments for improving the quality of the milk supply in Scotland, and contributions towards certain expenses of Milk Marketing Boards in Scotland - - - -	17,150	—
23. For the salaries and expenses of the Anglo-Spanish and Anglo-Roumanian Clearing Offices under the Debts Clearing Offices and Import Restrictions Act, 1934 - -	10	4,560
Class VII.		
2. For expenditure in respect of Houses of Parliament Buildings - -	8,000	—
6. For the salaries and expenses of the Office of the Commissioners of His Majesty's Works and Public Buildings - - - - - -	27,000	*—*27,000*
7. For Expenditure in respect of sundry Public Buildings in Great Britain, not provided for on other Votes, including Historic Buildings, Ancient Monuments, Brompton Cemetery, and certain Housing Estates	40,000	—
10. For Expenditure in respect of Customs and Excise, Inland Revenue, Post Office and Telegraph Buildings in Great Britain, certain Post Offices abroad, and for certain expenses in connection with boats and launches belonging to the Customs and Excise Department -	23,000	—
Carried forward - £	3,645,645	*—*528,876*

* Deficit.

SCHED. (B.) PART 5. Civil and Revenue Departments (Supplementary), 1935.

SCHEDULE (B.)—PART 5—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
CIVIL—*cont.*	£	£
Brought forward - -	3,645,645	*—*528,876*
Vote. 12. For rates and contributions in lieu of rates, &c., in respect of property in the occupation of the Crown for the Public Service, and for rates on buildings occupied by Representatives of British Dominions and of Foreign Powers; and to pay the salaries and expenses of the Rating of Government Property Department and a grant in aid of the expenses of the London Fire Brigade - -	136,000	1,425
13. For stationery, printing, paper, binding, and printed books for the public Service; for the salaries and expenses of the Stationery Office; and for sundry miscellaneous services, including reports of Parliamentary Debates - -	235,200	—
REVENUE DEPARTMENTS.		
3. For the salaries and expenses of the Post Office, including Telegraphs and Telephones - - - -	2,150,000	70,000
TOTAL, CIVIL AND REVENUE DEPARTMENTS (SUPPLEMENTARY) - - - - £	6,166,845	*—*457,451*

* Deficit.

SCHEDULE (B.)—Part 6.

Sched. (B.)
Part 6.
Navy.

NAVY.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the Navy Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1937, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For wages, &c., to 102,046 officers, seamen, and boys, and royal marines, and civilians employed on fleet services (including a Supplementary sum of £38,000 and an additional number of 2,063) - - - - - -	13,610,700	79,450
2. For victualling and clothing for the navy, including the cost of victualling establishments at home and abroad (including a Supplementary sum of £185,700)	3,585,700	633,855
3. For medical services, including the cost of medical establishments at home and abroad (including a Supplementary sum of £12,800) -	397,300	70,030
4. For the fleet air arm (including a Supplementary sum of £506,000) -	3,572,000	—
5. For educational services (including a Supplementary sum of £1,000) -	205,000	66,900
6. For scientific services (including a Supplementary sum of £21,600) -	513,600	77,700
7. For the royal naval reserve, the royal fleet reserve and the royal naval volunteer reserve, &c. (including a Supplementary sum of £5,000) - - - - -	355,700	190
Carried forward - - £	22,240,000	928,125

SCHED. (B.)
PART 6.
Navy.

SCHEDULE (B.)—PART 6—*continued.*

Vote.		Sums not exceeding	
		Supply Grants.	Appropriations in Aid.
		£	£
	Brought forward - - -	22,240,000	928,125
8.	Section 1. For the personnel for shipbuilding, repairs, maintenance, &c. including the cost of establishments of dockyards and naval yards at home and abroad (including Supplementary sums of £731,400 and £13,300) - - - -	7,816,700	55,105
,,	Section 2. For the matériel for shipbuilding, repairs, maintenance, &c., including the cost of establishments of dockyards and naval yards at home and abroad (including Supplementary sums of £3,955,700 and £10,600) - -	9,718,600	619,300
,,	Section 3. For contract work for shipbuilding, repairs, maintenance, &c. (including Supplementary sums of £2,067,130 and £890,100)	17,398,230	572,630
9.	For naval armaments (including Supplementary sums of £2,213,000 and £145,000) - - - - -	9,473,300	382,100
10.	For works, buildings and repairs at home and abroad, including the cost of superintendence, purchase of sites, grants and other charges connected therewith (including a Supplementary sum of £360,700)	2,811,200	102,000
11.	For various miscellaneous effective services (including a Supplementary sum of £102,870) - - -	824,170	77,700
12.	For the Admiralty Office (including a Supplementary sum of £99,100)	1,282,100	7,769
13	For non-effective services (naval and marine)—officers - - -	3,219,000	15,684
14.	For non-effective services (naval and marine)—men - - - - -	5,276,000	96,450
15.	For civil superannuation and other non-effective annual allowances, additional allowances and gratuities	1,229,700	2,863
	TOTAL, NAVY SERVICES £	81,289,000	2,859,726

SCHEDULE (B.)—Part 7.

Sched. (B.) Part 7. Army.

ARMY.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the Army Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1937, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For the pay, &c., of His Majesty's Army (to a number not exceeding 158,400) at home and abroad (excluding His Majesty's Indian Possessions, other than Aden) (including a Supplementary sum of £1,000) - - - - - -	10,340,000	2,398,000
2. For the Army Reserve (to a number not exceeding 121,200), the Supplementary Reserve (to a number not exceeding 25,261), the Territorial Army (to a number not exceeding 182,292), the Officers' Training Corps, and Colonial Militia, &c. (including a Supplementary sum of £59,000) - -	6,043,000	41,000
3. For medical services (including a Supplementary sum of £84,000) -	1,071,000	38,300
4. For educational establishments -	947,000	148,000
5. For quartering and movements (including a Supplementary sum of £550,000) - - - - - -	1,967,000	345,000
6. For supplies, road transport and remounts (including a Supplementary sum of £322,000) - - -	4,732,000	338,000
7. For clothing (including a Supplementary sum of £100,000) - -	1,243,000	107,000
8. For general stores (including a Supplementary sum of £322,000) -	2,847,000	175,000
9. For warlike stores, including technical establishments (including a Supplementary sum of £4,289,000) -	11,474,000	884,000
Carried forward - - £	40,664,000	4,474,300

SCHED. (B.)
PART 7.
Army.

SCHEDULE (B.)—PART 7—*continued*.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	40,664,000	4,474,300
Vote.		
10. For works, buildings, and lands, including military and civilian staff and other charges in connection therewith (including a Supplementary sum of £846,000) -	4,919,000	167,000
11. For miscellaneous effective services (including a Supplementary sum of £2,000) - - - - - -	928,000	170,000
12. For the War Office (including a Supplementary sum of £25,000) -	913,000	10,000
13. For rewards, half-pay, retired pay, widows' pensions and other non-effective charges for officers - -	3,616,000	461,000
14. For the Royal Hospital, Chelsea; out-pensions, rewards for distinguished service, widows' pensions, and other non-effective charges for warrant officers, non-commissioned officers, men, &c. - - - -	4,607,000	540,000
15. For civil superannuation and other non-effective annual allowances, additional allowances and gratuities - - - - - -	234,000	4,700
TOTAL, ARMY SERVICES - £	55,881,000	5,827,000
ARMY (ROYAL ORDNANCE FACTORIES).		
For the Royal ordnance factories, the cost of productions of which will be charged to the navy, army, air force, &c. (including a Supplementary sum of £293,700) - -	333,700	5,556,400
Together with a sum to be transferred from the Supplies Suspense Account - - - - - -	—	97,000
TOTAL, ARMY (ROYAL ORDNANCE FACTORIES) - £	333,700	5,653,400

SCHEDULE (B.)—Part 8.

Sched. (B.)
Part 8.
Air.

AIR.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the Air Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1937, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For the pay, &c., of 55,000 of all ranks of the Royal Air Force (exclusive of those serving in His Majesty's Indian Possessions, other than Aden) (including a Supplementary sum of £172,000 and an additional number of 5,000) - - - - -	6,690,000	650,000
2. For quartering, stores (except technical), supplies and transportation (including a Supplementary sum of £498,000) - - -	3,336,000	146,000
3. For technical and warlike stores (including experimental and research services) (including a Supplementary sum of £8,055,000)	26,546,000	3,794,000
4. For works, buildings, repairs, and lands, including civilian staff and other charges connected therewith (including a Supplementary sum of £2,750,000) - - - -	9,350,000	148,000
5. For medical services (including a Supplementary sum of £14,000)	382,000	23,000
Carried forward - - £	46,304,000	4,761,000

SCHED. (B.)
PART 8.
Air.

SCHEDULE (B.)—PART 8—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	46,304,000	4,761,000
Vote. 6. For technical training and educational services - - - -	657,000	14,000
7. For auxiliary and reserve forces (to a number not exceeding 13,250 of all ranks of the Royal Air Force Reserve, 474 of all ranks of the Special Reserve and 2,977 of all ranks of the Auxiliary Air Force and Auxiliary Air Force Reserve) (including a Supplementary sum of £94,000) - - - - -	651,000	100
8. For Civil Aviation - - - -	760,000	148,000
9. For the meteorological and miscellaneous effective services (including a Supplementary sum of £27,000) - - - - -	844,000	32,000
10. For the Air Ministry (including a Supplementary sum of £90,000) -	1,040,000	10,000
11. For rewards, half-pay, retired pay, pensions, and other non-effective services - - - - -	444,000	40,500
TOTAL, AIR SERVICES - £	50,700,000	5,005,600

SCHEDULE (B.)—Part 9.

CIVIL.—Class I.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1937, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For the salaries and expenses of the offices of the House of Lords -	50,778	16,130
2. For the salaries and expenses of the House of Commons - - -	346,785	15,500
3. For expenses under the Representation of the People Acts, 1918 to 1928 - - - - - -	245,000	—
4. For the salaries and other expenses in the department of His Majesty's Treasury and subordinate departments, and the salary of the Minister for Co-ordination of Defence (including a Supplementary sum of £13,262) - -	362,113	11,587
5. For the salaries and expenses of the department of His Majesty's most Honourable Privy Council - -	13,105	4,240
6. For the salaries and expenses of the office of the Lord Privy Seal -	3,702	—
7. For the salaries and expenses of the Charity Commission for England and Wales - - - - -	39,821	2,600
8. For the salaries and expenses of the Civil Service Commission - -	23,800	51,250
9. For the salaries and expenses of the department of the Comptroller and Auditor General - - -	139,954	18,579
Carried forward - - £	1,225,058	119,886

Sched. (B.)
Part 9.
Civil.
Class I.

SCHEDULE (B.)—Part 9—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	1,225,058	119,886
Vote.		
10. For making good the deficiency on the Income Account of the Fund for Friendly Societies - - -	5,529	—
11. For the salaries and expenses of the department of the Government Actuary - - - - - -	33,020	4,250
12. For the salaries and expenses of the department of the Government Chemist - - - - - -	79,464	700
13. For a grant in aid of the Government Hospitality Fund - -	8,000	—
14. For the salaries and expenses of the Import Duties Advisory Committee - - - - - - -	59,014	—
15. For the salaries and expenses of the Mint, including the expenses of coinage (Imperial, Colonial and Foreign), and the expenses of the preparation of medals, dies for postage and other stamps, and His Majesty's seals - - - - -	100,000	2,617,000
16. For the salaries and expenses of the National Debt Office - - -	2,827	24,800
17. For the salaries and expenses of the National Savings Committee -	109,598	—
18. For the salaries and expenses of the Public Record Office and of the Office of Land Revenue Records and Inrolments - - - - -	39,742	575
19. For the salaries of the establishment under the Public Works Loan Commission and the expenses of the Commission - - - - -	100	22,736
Carried forward - - £	1,662,352	2,789,947

SCHEDULE (B.)—Part 9—*continued.*

Sched. (B.)
Part 9.
Civil.
Class I.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	1,662,352	2,789,947
Vote.		
20. For making the payment due to the Local Loans Fund in respect of advances in Northern Ireland and for making good certain sums written off from the assets of the Local Loans Fund - - -	72,604	—
21. For the salaries and other expenses of Royal Commissions, Committees, and Special Inquiries, &c., including provision for shorthand; and the expenses of surplus stores, &c. liquidation - - - -	40,500	1,530
22. For certain miscellaneous expenses, including certain grants in aid and supplement to certain statutory salaries - - -	10,818	12,000
23. For His Majesty's foreign and other secret services (including a Supplementary sum of £100,000) -	350,000	—
24. For making good the net loss on transactions connected with the raising of money for the various Treasury Chests abroad in the year 1934 - - - - - -	24,322	—
25. For the salaries and expenses of the offices of His Majesty's Secretary of State for Scotland in London and Edinburgh; expenses under the Private Legislation Procedure (Scotland) Act, 1899; a subsidy for transport services to the Western Highlands and Islands; a grant in lieu of Land Tax; and contributions towards the expenses of Probation, and of Remand Homes -	98,551	1,700
26. For repayment to the Civil Contingencies Fund of certain Miscellaneous advances - - -	7,230	—
27. For the salaries and expenses of the Tithe Redemption Commission -	10	106,990
Total, Civil, Class I - £	2,266,387	2,912,167

SCHED. (B.)
PART 10.
Civil.
Class II.

SCHEDULE (B.)—PART 10.

CIVIL.—CLASS II.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1937, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For the salaries and expenses of the department of His Majesty's Secretary of State for Foreign Affairs - - - - - -	179,736	137,072
2. For the expenses in connection with His Majesty's embassies, missions and consular establishments abroad, and other expenditure chargeable to the Consular Vote; certain special grants and payments, including grants in aid; and sundry services arising out of the War - - - -	1,245,955	438,383
3. For a contribution towards the expenses of the League of Nations and for other expenses in connection therewith, including United Kingdom Representation before the Permanent Court of International Justice, and for a grant in aid of the expenses of the settlement of Assyrians of Iraq -	271,500	—
Carried forward - £	1,697,191	575,455

SCHEDULE (B.)—Part 10—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	1,697,191	575,455
Vote.		
4. For the salaries and expenses of the department of His Majesty's Secretary of State for Dominion Affairs - - - - - -	51,864	258
5. For sundry Dominion services, including certain grants in aid, and for expenditure in connection with ex-service men in the Irish Free State, and for a grant in aid to the Irish Free State in respect of compensation to transferred officers -	626,151	—
6. In substitution for payments due from the Government of the Irish Free State - - - - -	3,043,067	—
7. For the expenses connected with Oversea Settlement, and expenses arising out of the Empire Settlement Act, 1922 - - - -	18,475	15,000
8. For the salaries and expenses of the department of His Majesty's Secretary of State for the Colonies	167,959	2,300
9. For sundry Colonial and Middle Eastern services under His Majesty's Secretary of State for the Colonies, including certain non-effective services and grants in aid (including a Supplementary sum of £10) - - - - - -	773,303	232,852
Carried forward - £	6,378,010	825,865

Sched. (B.)
Part 10.
Civil.
Class II.

SCHEDULE (B.)—Part 10—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	6,378,010	825,865
Vote. 10. For a grant in aid of the Colonial Development Fund - - -	900,000	—
11. For a contribution towards the cost of the department of His Majesty's Secretary of State for India in Council, including a grant in aid, and a grant in aid of military expenditure from Indian Revenues	1,618,625	—
12. For certain salaries and expenses of the Imperial War Graves Commission, including purchase of land in the United Kingdom, and a grant in aid of the Imperial War Graves Commission Fund formed under Royal Charter, 21 May 1917, and a contribution towards an endowment fund - - -	503,503	—
Total, Civil, Class II - £	9,400,138	825,865

SCHEDULE (B.)—Part 11.

Sched. (B.) Part 11. Civil. Class III.

CIVIL.—Class III.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1937, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For the salaries and expenses of the office of His Majesty's Secretary of State for the Home Department and subordinate offices, including liquidation expenses of the Royal Irish Constabulary and contributions towards the expenses of probation (including a Supplementary sum of £857,000) - -	1,876,259	64,066
2. For the expenses of the maintenance of criminal lunatics in the Broadmoor Criminal Lunatic Asylum -	71,161	4,244
3. For the salaries of the Commissioner and Assistant Commissioners of the Metropolitan Police, and of the Receiver for the Metropolitan Police District; supplement to Metropolitan Police Magistrates; the contribution towards the expenses of the Metropolitan Police; the salaries and expenses of the Inspectors of Constabulary; the cost of special Services and other grants in respect of Police Expenditure, including a grant in aid of the Police Federation, and a contribution towards the expenses of the International Criminal Police Commission - - -	11,812,759	210
Carried forward - - £	13,760,179	68,520

Sched. (B.)
Part II.
Civil.
Class III.

SCHEDULE (B.)—PART II—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	13,760,179	68,520
Vote.		
4. For the salaries and expenses of the office of the Prison Commissioners and of the prisons in England and Wales - - - - - -	1,118,042	228,500
5. For grants in respect of the expenses of the managers of approved schools in England and Wales; the expenses of local authorities in respect of children and young persons committed to their care; and the expenses of the councils of counties and county boroughs in respect of remand homes - -	330,250	14,000
6. For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal as are not charged on the Consolidated Fund, including a supplement to certain statutory salaries and a grant in aid, and the salaries and expenses of pensions appeals tribunals - - - - -	100	527,457
7. For the salaries and expenses connected with the County Courts, including a supplement to County Court Judges - - - -	100	780,384
8. For the salaries and expenses of the office of Land Registry - -	100	275,519
9. For the salaries and expenses of the office of Public Trustee - -	100	254,399
Carried forward - - £	15,208,871	2,148,779

SCHEDULE (B.)—Part 11—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	15,208,871	2,148,779
Vote.		
10. For the salaries and expenses of the Law Officers department; the salaries and expenses of the departments of His Majesty's Procurator-General and of the Solicitor for the Affairs of His Majesty's Treasury, and of the department of the Director of Public Prosecutions; the costs of prosecutions, of other legal proceedings, and of Parliamentary Agency - - - -	121,745	37,000
11. For certain miscellaneous legal expenses, for the salaries and expenses of arbitrators, &c., under the Acquisition of Land (Assessment of Compensation) Act, 1919, and for grants in aid of the expenses of the Law Society and of the Solicitors' Discipline (Scotland) Committee - - -	41,056	8,250
12. For the salary and expenses of the Inspector of Constabulary; grants in respect of Police expenditure and a grant in aid of the Police Federation in Scotland - -	1,183,496	—
13. For the salaries and expenses of the Prisons Department for Scotland and of the prisons under their control, including the maintenance of criminal lunatics, defectives, and inmates of the State inebriate reformatory, and the preparation of judicial statistics - - -	173,707	19,262
Carried forward - - £	16,728,875	2,213,291

SCHED. (B.)
PART 11.
Civil.
Class III.

SCHEDULE (B.)—PART 11—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	16,728,875	2,213,291
Vote.		
14. For grants in respect of the expenses of the managers of approved schools, and of the expenses of Education Authorities in Scotland in respect of children and young persons committed to their care -	62,600	4,130
15. For the salaries and expenses of the office of the Scottish Land Court, including a supplement to members of the Court - - - -	8,886	400
16. For the salaries and expenses of the Lord Advocate's department, and other law charges, the salaries and expenses of the Courts of Law and Justice, and of pensions appeals tribunals in Scotland -	45,081	146,850
17. For the salaries and expenses of the offices in His Majesty's General Register House, Edinburgh - -	100	61,649
18. For the cost of certain Northern Ireland services, including expenditure in connection with ex-service officers and men in Northern Ireland, and a supplement to certain statutory salaries - -	6,773	7,000
Carried forward - - £	16,852,315	2,433,320

SCHEDULE (B.)—Part 11—*continued.*

Sched. (B.) Part 11. Civil. Class III.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	16,852,315	2,433,320
Vote. 19. For such of the salaries and expenses of the Supreme Court of Judicature and Court of Criminal Appeal of Northern Ireland, and of the Land Registry of Northern Ireland, as are not charged on the Consolidated Fund, and other expenses - - -	17,640	30,715
20. For the salaries and expenses of the Land Purchase Commission, Northern Ireland, including the payment of land purchase annuities in Northern Ireland and the expenses of certain land purchase services in the Irish Free State reserved as an imperial liability -	2,349,364	130
Total, Civil, Class III - £	19,219,319	2,464,165

Sched. (B.)
Part 12.
Civil.
Class IV.

SCHEDULE (B.)—Part 12.

CIVIL.—Class IV.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1937, viz. :—

	Sums not exceeding	
Vote.	Supply Grants.	Appropriations in Aid.
	£	£
1. For the salaries and expenses of the Board of Education, and of the various establishments connected therewith, including sundry grants in aid - - - - - -	47,623,726	5,592,750
2. For the salaries and other expenses of the British Museum, including a grant in aid - - - -	193,680	30,620
3. For the salaries and other expenses of the British Museum (Natural History), including a grant in aid	114,916	1,980
4. For the salaries and expenses of the Imperial War Museum, including a grant in aid - - - -	12,370	750
5. For the salaries and expenses in respect of the London Museum, Lancaster House, including a grant in aid - - - -	5,772	1,150
6. For the salaries and expenses of the National Gallery and of the Tate Gallery, Millbank, including a grant in aid - - - -	31,481	1,945
Carried forward - - £	47,981,945	5,629,195

SCHEDULE (B.)—Part 12—*continued.*

Sched. (B.)
Part 12.
Civil.
Class IV.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	47,981,945	5,629,195
Vote.		
7. For the salaries and other expenses of the National Maritime Museum, including a grant in aid - -	8,614	20
8. For the salaries and expenses of the National Portrait Gallery, including a grant in aid - - - -	8,831	1,230
9. For the salaries and expenses of the Wallace Collection - - -	11,301	1,420
10. For sundry grants in aid of scientific investigation, &c., and other grants - - - - - -	231,525	56,900
11. For grants in aid of the expenses of certain Universities, Colleges, Medical Schools, &c., in Great Britain, and for a grant in aid of the British Post Graduate Medical School - - - - - -	2,321,000	—
12. For public education in Scotland, and for the Royal Scottish Museum, Edinburgh; including sundry grants in aid - - -	7,465,674	793,250
13. For the salaries and expenses of the National Gallery, Scotland, the Scottish National Portrait Gallery, and the Museum of Antiquities, including certain grants in aid - - - -	12,439	391
14. For the salaries and expenses of the National Library, Scotland, including a grant in aid - - -	3,198	5,017
Total, Civil, Class IV £	58,044,527	6,487,423

SCHED. (B.) PART 13. Civil. Class V.

SCHEDULE (B.)—PART 13.

CIVIL.—CLASS V.

SCHEDULE of SUMS granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1937, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote. 1. For the salaries and expenses of the Ministry of Health; including grants, a grant in aid and other expenses in connection with housing, certain grants to local authorities, &c., grants in aid in respect of benefits, &c., under the National Health Insurance Acts, certain expenses in connection with the Widows', Orphans' and Old Age Contributory Pensions Acts, and other services	21,628,150	1,309,560
2. For the salaries and expenses of the Board of Control, including expenses under the Lunacy and Mental Treatment Acts and the Mental Deficiency Acts, and grants in respect of the maintenance of certain ex-service mental patients	151,973	13,428
3. For the salaries and expenses of the department of the Registrar-General of Births, &c. - - -	97,668	24,500
Carried forward - - £	21,877,791	1,347,488

SCHEDULE (B.)—Part 13—*continued.*

Sched. (B.)
Part 13.
Civil.
Class V.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	21,877,791	1,347,488
Vote.		
4. For the salaries and expenses of the audit staff under the National Health Insurance Acts, 1924 to 1935 - - - - - -	166,440	4,110
5. For the salaries and expenses of the Registry of Friendly Societies -	48,563	4,750
6. For the payment of Old Age Pensions, for certain administrative expenses in connection therewith, and for pensions under the Blind Persons Act, 1920 - - -	44,321,000	10,000
7. For the Treasury Pensions Account in accordance with the provision of the Widows', Orphans' and Old Age Contributory Pensions Act, 1929 - - - - -	15,000,000	—
8. For the salaries and expenses of the Ministry of Labour, including sums payable by the Exchequer to the Unemployment Fund, grants to local authorities, associations and other bodies under the Unemployment Insurance, Labour Exchanges and other Acts; grant in aid of the National Council of Social Service; expenses of training, transfer and resettlement; contribution towards the expenses of the International Labour Organisation (League of Nations); expenses of the Industrial Court; and sundry services - - -	23,719,000	6,143,000
Carried forward - - £	105,132,794	7,509,348

Sched. (B.)
Part 13.
Civil.
Class V.

SCHEDULE (B.)—Part 13—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	105,132,794	7,509,348
Vote. 9. For grants to the Unemployment Fund and grants to the Unemployment Assistance Fund in respect of Unemployment Allowances (including Supplementary Allowances), payments to Public Assistance Authorities under the Eighth Schedule to the Unemployment Act, 1934, and the relative cost of administration under the said Act and the Unemployment Assistance (Temporary Provisions) Act, 1935 -	45,000,000	—
10. For grants to local authorities, &c., made prior to the 31st day of August 1929, towards employment schemes; and for grants in respect of schemes approved under Part II of the Development (Loan Guarantees and Grants) Act, 1929, including adjustments of grant in certain cases - - -	4,100,000	—
11. For the salaries and expenses of the Office of the Commissioner for Special Areas (England and Wales), and the expenses of the Commissioner under the Special Areas (Development and Improvement) Act, 1934, including grants in aid - - - - - - -	100	3,050,000
Carried forward - - £	154,232,894	10,559,348

SCHEDULE (B.)—Part 13—*continued.*

Sched. (B.)
Part 13.
Civil.
Class V.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	154,232,894	10,559,348
Vote.		
12. For the salaries and expenses of the department of the Unemployment Assistance Board and of the Appeal Tribunals constituted under the Unemployment Assistance Act, 1934; and sums payable by the Exchequer to the Unemployment Assistance Fund under the Unemployment Assistance Act, 1934, for direct administration - -	2,000,000	—
13. For a grant in aid of the Special Areas Fund - - - - -	3,000,000	—
14. For the salaries and expenses of the department of Health for Scotland; including grants, a grant in aid and other expenses in connection with housing, certain grants to local authorities, &c.; grant in aid of the Highlands and Islands medical service, grants in aid in respect of benefits &c., under the National Health Insurance Acts; certain expenses in connection with the Widows', Orphans' and Old Age Contributory Pensions Acts, and other services - -	3,457,766	182,705
15. For the salaries and expenses of the Board of Control for Scotland, including expenses under the Lunacy (Scotland) and Mental Deficiency (Scotland) Acts, and grants in respect of the maintenance of certain ex-service mental patients - - - - - -	15,405	470
Carried forward - £	162,706,065	10,742,523

Sched. (B.)
Part 13.
Civil.
Class V.

SCHEDULE (B.)—Part 13—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	162,706,065	10,742,523
Vote. 16. For the salaries and expenses of the department of the Registrar-General of Births, &c., in Scotland	18,190	1,700
17. For the salaries and expenses of the Office of the Commissioner for Special Areas (Scotland) and the expenses of the Commissioner under the Special Areas (Development and Improvement) Act, 1934, including grants in aid - -	100	800,000
Total, Civil, Class V £	162,724,355	11,544,223

SCHEDULE (B.)—Part 14.

Sched. (B.) Part 14. Civil. Class VI.

CIVIL—Class VI.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1937, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote.		
1. For the salaries and expenses of the office of the Committee of Privy Council for Trade, and subordinate departments, including certain Services arising out of the War -	259,940	581,797
2. For the salaries and expenses of certain services transferred from the Mercantile Marine Fund and other services connected with the Mercantile Marine, including services under the British Shipping (Assistance) Act, 1935, the Coastguard, General Register and Record Office of Shipping and Seamen and Merchant Seamen's Fund Pensions - - - -	385,822	206,322
3. For subsidies in respect of Tramp voyages and expenses of administration - - - - - -	2,000,000	—
4. For the salaries and expenses of the Department of Overseas Trade, including grants in aid of the Imperial Institute and the Travel and Industrial Development Association of Great Britain and Ireland - - - - -	458,371	148,589
Carried forward - - £	3,104,133	936,708

Sched. (B.)
Part 14.
Civil.
Class VI.

SCHEDULE (B.)—Part 14—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	3,104,133	936,708
Vote.		
5. For guarantees in connection with the export of goods wholly or partly produced or manufactured in the United Kingdom and for the salaries and expenses of the Export Credits Guarantee Department - - - - - - -	100	254,716
6. For the salaries and expenses of the Mines Department of the Board of Trade - - - - - - -	196,744	16,409
7. For the salaries and expenses of the office of Commissioners of Crown Lands, including a supplement to Commissioner and Secretary - - - - - -	35,270	—
8. For the salaries and expenses of the Ministry of Agriculture and Fisheries, and of the Royal Botanic Gardens, Kew, including grants and grants in aid in respect of agricultural education and research, eradication of diseases of animals, and fishery research; and grants, grants in aid, and expenses in respect of improvement of breeding, &c., of live stock, land settlement, improvement of cultivation, drainage, &c., regulation of agricultural wages, agricultural credits, and marketing, fishery development; and sundry other services - - - - - -	2,277,878	579,874
Carried forward - £	5,614,125	1,787,707

SCHEDULE (B.)—PART 14—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	5,614,125	1,787,707
Vote.		
9. For a subsidy on sugar manufactured from beet grown in Great Britain	3,305,100	—
10. For payments in respect of milk used for manufacture in England and Wales and Northern Ireland, payments for improving the quality of the milk supply in England and Wales, and contributions towards certain expenses of the Milk Marketing Board in England and Wales - - - - - -	1,545,000	—
11. For a grant to the Cattle Fund (including a Supplementary sum of £2,930,900) - - - - -	3,999,900	—
12. For the expenses of the survey of Great Britain and of minor services connected therewith -	271,820	134,440
13. For a grant in aid of the Forestry Fund - - - - - - -	700,000	—
14. For the salaries and expenses of the Ministry of Transport, under the Ministry of Transport Act, 1919; expenses of the Railway Rates Tribunal under the Railways Act, 1921; expenses under the London Traffic Act, 1924, the London Passenger Transport Act, 1933, and the Road and Rail Traffic Act, 1933; expenses in respect of advances under the Light Railways Act, 1896; expenses of maintaining Holyhead Harbour, the Caledonian Canal, Crinan Canal and Menai Bridge -	101,152	703,107
Carried forward - £	15,537,097	2,625,254

Sched. (B.)
Part 14.
Civil.
Class VI.

SCHEDULE (B.)—Part 14—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	15,537,097	2,625,254
Vote. 15. For a grant in aid of the Development Fund - - - -	705,000	—
16. For grants to public utility undertakings in Great Britain - -	870,000	—
17. For the salaries and expenses of the Department of Scientific and Industrial Research, including the Geological Survey of Great Britain and Museum of Practical Geology, and a grant in aid - - -	621,661	233,767
18. For the salaries and expenses of the State Management Districts, including the salaries of the central office, and the cost of provision and management of licensed premises - - -	100	512,850
19. For the salaries and expenses of the Anglo-Spanish and Anglo-Roumanian Clearing Offices under the Debts Clearing Offices and Import Restrictions Act, 1934 -	100	28,900
20. For the salaries and expenses of the Department of Agriculture for Scotland, including grants for land improvement, agricultural education, research and marketing, a grant under the Agricultural Credits (Scotland) Act, 1929, and certain grants in aid - - -	656,702	97,223
Carried forward - £	18,390,660	3,497,994

SCHEDULE (B.)—Part 14—*continued.*

Sched. (B.) Part 14. Civil. Class VI.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	18,390,660	3,497,994
Vote. 21. For payments in respect of milk used for manufacture in Scotland, payments for improving the quality of the milk supply in Scotland, and contributions towards certain expenses of milk marketing boards in Scotland - - - - -	212,000	—
22. For the salaries and expenses of the Fishery Board for Scotland, including expenses of marine superintendence, and a grant in aid of piers or quays - - -	113,065	15,166
23. For grants in aid of the general administrative and other expenses of the Herring Industry Board and of the Herring Marketing Fund - - - - - -	52,000	250,000
Total, Civil, Class VI £	18,767,725	3,763,160

SCHEDULE (B.)—Part 15.

Sched. (B.) Part 15. Civil. Class VII.

CIVIL.—Class VII.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1937, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Vote. 1. For expenditure in respect of Art and Science buildings, Great Britain -	346,840	42,580
2. For expenditure in respect of Houses of Parliament buildings -	121,295	900
3. For expenditure in respect of Labour and Health buildings, Great Britain - - - -	286,055	695,890
4. For expenditure in respect of miscellaneous legal buildings, including the whole additional cost of a new Sheriff Court House at Edinburgh - - - - -	154,825	1,390
Carried forward - - £	909,015	740,760

SCHEDULE (B.)—Part 15—*continued.*

Sched. (B.)
Part 15.
Civil.
Class VII.

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - - -	909,015	740,760
Vote. 5. For expenditure in respect of Osborne - - - - - -	11,470	5,430
6. For the salaries and expenses of the office of the Commissioners of His Majesty's Works and Public Buildings - - - - - -	541,900	291,700
7. For expenditure in respect of sundry public buildings in Great Britain, not provided for on other Votes, including Historic Buildings, Ancient Monuments, Brompton Cemetery and certain Housing Estates (including a Supplementary sum of £32,350) -	1,327,345	166,200
8. For expenditure in respect of public buildings overseas (including a Supplementary sum of £38,750) -	166,590	59,855
9. For expenditure in respect of royal palaces, including a grant in aid (including a Supplementary sum of £20,000) - - - - -	115,964	11,100
10. For expenditure in respect of Customs and Excise, Inland Revenue, Post Office and Telegraph buildings in Great Britain, certain Post Offices abroad, and for certain expenses in connection with boats and launches belonging to the Customs and Excise Department (including a Supplementary sum of £20,000) - -	1,570,295	27,415
11. For expenditure in respect of royal parks and pleasure gardens - -	201,255	49,150
Carried forward - - £	4,843,834	1,351,610

Sched. (B.)
Part 15.
Civil.
Class VII.

SCHEDULE (B.)—Part 15—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	4,843,834	1,351,610
Vote. 12. For rates and contributions in lieu of rates, &c., in respect of property in the occupation of the Crown for the Public Service, and for rates on buildings occupied by Representatives of British Dominions and of Foreign Powers; and to pay the salaries and expenses of the Rating of Government Property Department, and a grant in aid of the expenses of the London Fire Brigade - - - -	2,132,852	123,800
13. For stationery, printing, paper, binding, and printed books for the public service; for the salaries and expenses of the Stationery Office; and for sundry miscellaneous services, including reports of Parliamentary Debates - -	1,622,859	999,900
14. For constructing a new harbour of refuge at Peterhead - - -	32,000	—
15. For expenditure in respect of public works and buildings in Ireland -	31,895	2,400
Total, Civil, Class VII £	8,663,440	2,477,710

SCHEDULE (B.)—Part 16.

Sched. (B.) Part 16. Civil. Class VIII.

CIVIL.—Class VIII.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1937, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For War pensions and allowances (including cost of treatment) to merchant seamen and fishermen and their dependants and the administrative expenses connected therewith - - - - -	280,541	—
2. For the salaries and expenses of the Ministry of Pensions, and for sundry contributions in respect of the administration of the Ministry of Pensions Act, 1916, the War Pensions Acts, 1915 to 1921, and sundry services -	41,400,000	11,000
3. For the expenses of pensions, compensation allowances and gratuities awarded to retired and disbanded members and staff of the Royal Irish Constabulary, and to widows and children of such members, including annuities to the National Debt Commissioners in respect of commutation of compensation allowances and certain extra-statutory payments - -	1,464,988	—
Carried forward - £	43,145,529	11,000

SCHED. (B.)
PART 16.
Civil.
Class VIII.

SCHEDULE (B.)—PART 16—*continued.*

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
	£	£
Brought forward - -	43,145,529	11,000
Vote. 4. For superannuation, and other non-effective annual allowances, additional allowances and gratuities under sundry Statutes; compassionate allowances, gratuities, and supplementary pensions awarded by the Treasury and, under the Government of Ireland Act, 1920, by the Civil Service Committee for Northern Ireland -	1,842,579	364
TOTAL, CIVIL, CLASS VIII £	44,988,108	11,364

SCHEDULE (B.)—Part 17.

Sched. (B.)
Part 17.
Civil.
Class IX.

CIVIL.—Class IX.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Civil Services herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1937, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For grants to local authorities in England and Wales, authorised by Part VI of the Local Government Act, 1929, and the Local Government (General Exchequer Contributions) Act, 1933 - - -	39,499,947	5,775,053
2. For grants to local authorities in Scotland authorised by the Local Government (Scotland) Act, 1929, and the Local Government (General Exchequer Contributions) Act, 1933 - - - - -	5,699,480	683,520
Total, Civil, Class IX £	45,199,427	6,458,573

Sched. (B.) Part 18. Revenue Departments, &c.

SCHEDULE (B.)—Part 18.

REVENUE DEPARTMENTS, &c.

Schedule of Sums granted, and of the sums which may be applied as appropriations in aid in addition thereto, to defray the charges of the several Revenue Departments, &c., herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1937, viz. :—

	Sums not exceeding	
	Supply Grants.	Appropriations in Aid.
Vote.	£	£
1. For the salaries and expenses of the Customs and Excise Department -	5,837,100	243,000
2. For the salaries and expenses of the Inland Revenue Department -	7,654,700	275,500
3. For the salaries and expenses of the Post Office, including Telegraphs and Telephones - - - -	69,344,000	3,081,176
Total, Revenue Departments - £	82,835,800	3,599,676

SCHEDULE (C.)—PART I.

SCHED. (C.)
PART I.
Navy
Services.
Section 5.

NAVY SERVICES, 1934, VOTES.	Deficits.		Surpluses.	
	Excesses of actual over estimated gross Expenditure.	Deficiencies of actual as compared with estimated Receipts.	Surpluses of estimated over actual gross Expenditure.	Surpluses of actual as compared with estimated Receipts.
	£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*
1. Wages, &c., of Officers, Seamen, Boys and Royal Marines and Civilians employed on Fleet Services.	14,908 6 2	1,652 11 4	—	—
2. Victualling and Clothing -	—	21,233 1 4	62,854 11 2	—
3. Medical Establishments and Services.	—	479 11 4	4,710 13 1	—
4. Fleet Air Arm - - -	—	—	—	—
5. Educational Services - -	—	486 3 7	5,207 10 7	—
6. Scientific Services - -	—	—	7,334 6 6	2,182 6 4
7. Royal Naval Reserves - -	—	18 2 6	9,166 5 3	—
8. Shipbuilding, Repairs, Maintenance, &c.				
Section I.—Personnel -	36,500 9 11	—	—	4,340 2 0
Section II.—Matériel -	—	—	39,343 5 9	44,690 9 3
Section III.—Contract Work	245,326 13 0	—	—	16,260 3 9
9. Naval Armaments - -	1,226 4 6	—	—	40,367 8 1
10. Works, Buildings and Repairs	—	50,841 11 3	267,131 14 10	—
11. Miscellaneous Effective Services.	49,030 9 4	—	—	22,918 14 4
12. Admiralty Office - - -	5,871 3 8	206 8 2	—	—
13. Non-effective Services (Naval and Marine)—Officers.	50,459 2 9	208 8 6	—	—
14. Non-effective Services (Naval and Marine)—Men.	—	1,578 6 9	37,181 0 3	—
15. Civil Superannuation, Compensation Allowances and Gratuities.	—	—	1,105 15 2	418 1 5
Balances Irrecoverable and Claims Abandoned.	1,196 1 8	—	—	—
	404,518 11 0	76,704 4 9	434,035 2 7	131,177 5 2
	Total Deficits : £481,222 15*s.* 9*d.*		Total Surpluses : £565,212 7*s.* 9*d.*	
	Net Surplus : £83,989 12*s.* 0*d.*			

Sched. (C.)
Part II.
Army
Services.
Section 5.

SCHEDULE (C.)—Part II.

Army Services, 1934, Votes.	Deficits.						Surpluses.					
	Excesses of actual over estimated gross Expenditure.			Deficiencies of actual as compared with estimated Receipts.			Surpluses of estimated over actual gross Expenditure.			Surpluses of actual as compared with estimated Receipts.		
	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*	£	*s.*	*d.*
1. Pay, &c., of the Army -	—			—			49,649	9	3	16,893	3	0
2. Territorial Army and Reserve Forces.	—			—			82,384	6	1	2,509	2	2
3. Medical Services - - -	—			—			8,660	10	9	2,544	16	9
4. Educational Establishments -	27,436	5	5	—			—			17,976	14	7
5. Quartering and Movements -	17,361	19	2	—			—			3,094	4	4
6. Supplies, Road Transport and Remounts.	5,451	17	5	—			—			9,979	2	7
7. Clothing - - - - -	1,638	4	6	11,267	9	10	—			—		
8. General Stores - - -	32,998	16	2	—			—			17,808	5	10
9. Warlike Stores - - -	—			13,526	5	7	56,490	18	9	—		
10. Works, Buildings and Lands	—			45,033	7	2	18,063	5	3	—		
11. Miscellaneous Effective Services.	—			49,147	5	0	118,189	7	0	—		
12. War Office - - - -	—			1,577	7	6	2,195	4	2	—		
13. Half-pay, Retired Pay and other Non-Effective Charges for Officers.	—			5,258	4	6	37,103	12	1	—		
14. Pensions and other Non-effective Charges for Warrant Officers, Non-commissioned Officers, men and others.	—			—			4,903	14	1	17,251	8	5
15. Civil Superannuation, Compensation and Gratuities.	4,921	7	0	933	0	4	—			—		
Balances Irrecoverable and Claims Abandoned.	2,690	16	1	—			—			—		
	92,499	5	9	126,742	19	11	377,640	7	5	88,056	17	8

Total Deficits : £219,242 5*s.* 8*d.*

Total Surpluses : £465.697 5*s.* 1*d.*

Net Surplus : £246,454 19*s.* 5*d.*

SCHEDULE (C.)—Part III.

Sched. (C.)
Part III.
Air
Services.
Section 5.

Air Services, 1934, Votes.	Deficits.		Surpluses.	
	Excesses of actual over estimated gross Expenditure.	Deficiencies of actual as compared with estimated Receipts.	Surpluses of estimated over actual gross Expenditure.	Surpluses of actual as compared with estimated Receipts.
	£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*	£ *s.* *d.*
1. Pay, &c., of the Royal Air Force.	—	—	18,157 16 6	541 18 8
2. Quartering, Stores (except Technical), Supplies and Transportation.	—	—	11,517 7 9	2,343 18 9
3. Technical and Warlike Stores (including Experimental and Research Services).	—	54,829 12 0	84,538 11 6	—
4. Works, Buildings and Lands	—	—	3,339 15 3	1,802 2 9
5. Medical Services - - -	403 10 6	—	—	70 12 0
6. Technical Training and Educational Services.	7,021 0 9	230 14 0	—	—
7. Auxiliary and Reserve Forces	13,737 17 8	—	—	2,081 17 10
8. Civil Aviation - - -	—	—	1,107 4 7	2,762 13 7
9. Meteorological Services -	—	—	3,544 10 4	2,193 17 4
Miscellaneous Effective Services.	—	—	5,282 17 2	1,898 13 7
10. Air Ministry - -	—	—	1 19 9	188 7 5
11. Half-Pay, Pensions and other Non-effective Services.	—	241 11 11	25,747 16 2	—
Balances Irrecoverable and Claims Abandoned.	551 1 1	—	—	—
	21,713 10 0	55,301 17 11	153,237 19 0	13,884 1 11
	Total Deficits : £77,015 7*s.* 11*d.*		Total Surpluses : £167,122 0*s.* 11*d.*	
	Net Surplus : £90,106 13*s.* 0*d.*			

CHAPTER 38.

An Act to amend the Weights and Measures Acts, 1878 to 1926, by making provision with respect to the measuring, sale, and conveyance of sand, ballast and similar materials, and with respect to the discharge of the functions of the Board of Trade; and for purposes connected with the matters aforesaid. [31st July 1936.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Certain dealings with sand or ballast to be by weight or by the cubic yard.

1.—(1) No person shall (whether on his own behalf or on behalf of another person) sell, agree to sell or agree to carry any sand or ballast otherwise than by weight or by the cubic yard:

Provided that this subsection shall not apply—

(*a*) in relation to any sale, agreement for the sale, or agreement for the carriage, of a quantity of sand or ballast the weight of which is less than one ton and the volume of which is less than one cubic yard;

(*b*) in relation to any sale, or agreement for the sale, of any sand or ballast, where it is a term of the sale or agreement that the purchaser is to take delivery in or from a vessel as defined by section seven hundred and forty-two of the Merchant Shipping Act, 1894;

57 & 58 Vict. c. 60.

(*c*) in relation to any agreement for the carriage of any sand or ballast, if and in so far as it is an agreement for the carriage of that sand or ballast by water, and is made for the purpose of giving or taking delivery in pursuance of such a sale or agreement as is referred to in paragraph (*b*) of this proviso;

(*d*) in relation to any sale, or agreement for the sale, as a whole, of ballast produced in the demolition or partial demolition of a building, where it is a term of the sale or agreement that the purchaser is to take delivery from the site of the building;

(*e*) in relation to any sale, or agreement for the sale, in the state in which it was produced, of ashes or clinker forming a by-product, or any other ballast forming a casual product, of the carrying on of an industrial process on any premises, where it is a term of the sale or agreement that the purchaser is to take delivery from those premises.

(2) No person shall (whether on his own behalf or on behalf of another person) sell, agree to sell, or agree to carry any sand or ballast by the cubic yard, unless the volume of the sand or ballast either is a cubic yard or an integral number of cubic yards, or is any such fraction of a cubic yard as may be prescribed or a multiple of such a fraction.

(3) If any person contravenes this section he shall be guilty of an offence; and every sale or agreement made in contravention of this section shall be void, notwithstanding anything in section nineteen of the principal Act.

(4) Nothing in section nineteen of the principal Act shall be taken to avoid, or to render any person punishable in respect of, any contract, bargain, sale or dealing with regard to sand or ballast, by reason only that the contract, bargain, sale or dealing, as the case may be, is made or had by the cubic yard; and nothing in the said section shall prevent the charging or collection of tolls or duties in respect of sand or ballast by the cubic yard.

(5) An agreement which, in a case where the owner of any sand or ballast undertakes to transfer the property therein to another person in consideration only of an undertaking by that person to remove the sand or ballast from the place at which the property therein passes to him, is made for the purpose of removing the sand or ballast as aforesaid, shall be deemed for the purposes of this Act not to be an agreement for the carriage of that sand or ballast.

Receptacles for measuring sand or ballast by the cubic yard.

2.—(1) Subject to the provisions of this section, no person shall for the purpose of trade—

(*a*) measure sand or ballast by the cubic yard otherwise than in, and by means only of a calibration mark on, a receptacle which, in respect of its form, material, construction, capacity and calibration, and otherwise, conforms with such regulations as may be made by the Board of Trade; or

(*b*) have in his possession for use in measuring sand or ballast by the cubic yard any receptacle other than such a receptacle as is mentioned in paragraph (*a*) of this subsection;

and if any person contravenes this subsection, he shall be guilty of an offence.

(2) For the purposes of this Act the volume of any sand or ballast in such a receptacle as is mentioned in paragraph (*a*) of the preceding subsection shall be taken to be the volume which the sand or ballast appears, according to the calibration of the receptacle, to have when filled in all parts of the receptacle as nearly as the sand or ballast will admit, and when levelled in the receptacle so far as practicable.

(3) Every receptacle (whether forming part of a vehicle or not) which, for the purpose of trade, is used or intended to be used in measuring sand or ballast by the cubic yard shall, subject as hereinafter provided, be deemed for the purposes of the Weights and Measures Acts, 1878 to 1926, to be a measure:

Provided that—

(*a*) no such receptacle as aforesaid shall be stamped under section twenty-nine of the principal Act with a stamp of verification unless the receptacle conforms with the regulations made under this section by the Board of Trade;

(*b*) sections three and forty-five of the principal Act (which respectively provide for the uniformity and validity of weights and measures throughout the United Kingdom) shall, in relation to any such receptacle, have effect as if for the references in those sections to the United Kingdom there were substituted references to England; and (*c*) nothing in section twenty-four of the principal Act (which makes punishable the use for trade of a measure which is not of the denomination of some Board of Trade standard) shall apply in relation to any such receptacle referred to in this subsection as conforms with the regulations aforesaid.

(4) The power of the Board of Trade under section five of the Weights and Measures Act, 1904, to make regulations as to the functions of inspectors and local authorities with respect to the examination, verification and testing of receptacles which, by virtue of this section, are deemed to be measures, shall include power to make regulations modifying, in relation to such receptacles, the provisions of sections forty, forty-four, forty-eight and forty-nine of the principal Act in so far as those provisions relate to the examination of measures and to the comparison of measures with local standards.

4 Edw. 7. c. 28.

(5) Where any receptacle which, being deemed to be a measure by virtue of this section, has been verified and stamped under section twenty-nine of the principal Act is altered or repaired, no person shall, for the purpose of trade, use the receptacle, or have it in his possession for use, in measuring sand or ballast by the cubic yard, unless and until it has been re-verified and re-stamped by an inspector; and if any person contravenes this subsection, he shall be guilty of an offence.

(6) The regulations made under this section by the Board of Trade may direct that, for such period and subject to such conditions, if any, as may be specified in the regulations, this section shall not prevent the measurement of sand or ballast in, or apply in relation to, any such class of receptacles constructed before the day on which this Act comes into operation as may be so specified.

(7) In this section the expression "trade" has the meaning assigned to that expression by section nineteen of the principal Act.

Restrictions on use of vehicles for conveying sand or ballast.

3.—(1) No sand or ballast shall, in pursuance of a sale or agreement for the sale or carriage thereof made by weight, be conveyed in or on a vehicle unless the tare weight of the vehicle, ascertained in such manner as may be prescribed, is indicated by a mark on the vehicle (hereafter in this Act referred to as a "tare weight mark") approved by the Board of Trade and affixed in such manner as may be prescribed; and no sand or ballast shall, in pursuance of a sale or agreement for the sale or carriage thereof made by the cubic yard, be conveyed in or on a vehicle unless the receptacle in which the sand or ballast is so conveyed bears a stamp of verification affixed by an inspector under section twenty-nine of the principal Act:

Provided that nothing in this subsection shall restrict—

(*a*) the conveyance of sand or ballast in pursuance of such a sale or agreement as is mentioned in paragraph (*a*) of the proviso to subsection (1) of section one of this Act; or

(*b*) the use of a receptacle in relation to which, by virtue of subsection (6) of the last preceding section, that section does not apply, for conveying any sand or ballast in pursuance of a sale or agreement for the sale or carriage thereof made by the cubic yard.

(2) If any person conveys any sand or ballast in contravention of this section, or causes any sand or ballast to be conveyed in contravention of this section, he shall be guilty of an offence; and if any person, with intent to defraud or deceive,—

(*a*) forges any tare weight mark approved for the purposes of this section by the Board of Trade; or

(*b*) alters or defaces any such tare weight mark placed on a vehicle; or

(*c*) places, or suffers to remain, on a vehicle any such tare weight mark, or any mark so closely resembling such a tare weight mark as to be calculated to deceive;

he shall be guilty of an offence and liable to imprisonment for a term not exceeding six months, or to a fine not exceeding fifty pounds, or to both such imprisonment and such fine.

In this subsection the expression "forges" has the same meaning as in the Forgery Act, 1913. 3 & 4 Geo. 5. c. 27.

Conveyance notes in respect of sand or ballast.

4.—(1) Subject to the provisions of the next following subsection, the person in charge of any vehicle being used for conveying any sand or ballast on a journey any part of which is along a highway—

(*a*) shall carry with him a note (hereafter in this Act referred to as a "conveyance note") in such form as may be prescribed, signed by or on behalf of the appropriate person and stating such matters as are required by this section to be stated in the note;

(*b*) shall on demand made by any inspector, and on production by the inspector, if so required, of such document as may be prescribed showing that he is an inspector, produce the conveyance note to that inspector; and

(*c*) if the vehicle is being so used as aforesaid in pursuance of a sale or agreement for the sale or carriage of the sand or ballast, shall, before any of the sand or ballast is unloaded from the vehicle at the place of delivery, deliver the conveyance note to the consignee or his agent.

In this subsection the expression "the appropriate person" means, in a case where the sand or ballast is conveyed in pursuance of a sale or agreement for the sale or carriage thereof, the seller or consignor, as the case may be, or, in any other case, the person causing the sand or ballast to be conveyed.

(2) Nothing in the preceding subsection shall apply in relation to the conveyance of any sand or ballast the weight of which is less than one ton and the volume of which is less than one cubic yard, being sand or ballast conveyed—

(*a*) in pursuance of such a sale or agreement as is mentioned in paragraph (*a*) of the proviso to subsection (1) of section one of this Act; or

(*b*) otherwise than in pursuance of a sale, or agreement for the sale or carriage, of the sand or ballast.

(3) A conveyance note shall state that the sand or ballast to which the note relates is or is not, as the case

may be, being conveyed in pursuance of a sale or agreement for the sale or carriage thereof, and in a case where it is being so conveyed, shall state—

(*a*) that the sale or agreement was made by weight or by the cubic yard, as the case may be;

(*b*) the weight of the sand or ballast or its volume in cubic yards, as the case may be; and

(*c*) if the sale or agreement was made by weight, the tare weight of the vehicle:

Provided that a statement of the weight of the sand or ballast shall not be required in relation to a vehicle whilst proceeding from the place where it was loaded to the nearest available weighing instrument, if the situation of that instrument is stated on the conveyance note.

(4) No person shall sign or use, or cause to be signed or used, for the purposes of this section a conveyance note stating the volume of any sand or ballast in cubic yards unless the volume so stated either is a cubic yard or an integral number of cubic yards, or is any such fraction of a cubic yard as may be prescribed or a multiple of such a fraction.

(5) If any person contravenes or fails to comply with this section, or signs, or causes to be signed, for the purposes of this section a conveyance note which contains a materially incorrect statement, he shall be guilty of an offence.

Where the weight or volume of any sand or ballast in a vehicle is at any time found to be less than the weight or volume, as the case may be, specified in the conveyance note relating thereto, then, for the purpose of any proceedings which may be taken by virtue of this subsection, the weight or volume of the sand or ballast at that time shall, until the contrary is proved, be deemed to have been the weight or volume thereof at the time when the conveyance note was signed.

(6) No vehicle conveying any sand or ballast shall proceed on any journey in relation to which a conveyance note stating the weight or volume of the sand or ballast is required by this section to be carried, unless the person in charge of the vehicle at the time when it first becomes

necessary that a statement of the weight or volume of the sand or ballast should be contained in the conveyance note has satisfied himself, so far as he reasonably can, that the said weight or volume is at that time correctly stated in the conveyance note, and if this subsection is contravened in the case of any vehicle, the person in charge of the vehicle at the said time shall be guilty of an offence.

(7) If any person in charge of a vehicle conveying sand or ballast uses in relation thereto, for the purposes of this section, a conveyance note which to his knowledge contains a materially incorrect statement, he shall be guilty of an offence:

Provided that no person shall, by virtue of this subsection, be liable to any penalty by reason only of the weight or volume of any sand or ballast in a vehicle being found to be less than the weight or volume, as the case may be, specified in the conveyance note relating thereto, if it is proved that the deficiency is solely attributable to the draining away of normal moisture from the sand or ballast during the journey on which the vehicle was at the material time engaged, or, as the case may be, to the consolidation of the sand or ballast in the vehicle during that journey.

(8) Different forms of conveyance notes may be prescribed in relation to different circumstances.

Inspection, weighing and measuring of sand or ballast and vehicles conveying it.

5.—(1) Any inspector, on producing, if so required, such document as may be prescribed showing that he is an inspector, may, so far as it is reasonable so to do for the purpose of giving effect to this Act, inspect any vehicle which is being used for conveying any sand or ballast, and either—

(*a*) cause the vehicle, as loaded, to be weighed by means of a weighing instrument stamped by an inspector, or cause the vehicle to be unloaded and the vehicle or the sand or ballast or both to be weighed by means of such a weighing instrument as aforesaid; or

(*b*) cause the sand or ballast to be levelled in the vehicle, or to be unloaded and measured:

Provided that neither the vehicle nor the sand or ballast shall be required to be moved for a distance of more than two miles for the purpose of being weighed or measured under this subsection.

(2) If, in exercising with respect to a vehicle any of his powers under the preceding subsection, an inspector finds—

(*a*) that a conveyance note produced to him in relation to any sand or ballast in the vehicle contains a materially incorrect statement; or

(*b*) in a case where the vehicle is required by this Act to be marked with a tare weight mark, that the vehicle is not so marked or bears a mark which purports to indicate the tare weight of the vehicle, but which either does not accurately indicate that weight or is not a mark approved by the Board of Trade and affixed in the prescribed manner;

then, without prejudice to any proceedings which may be taken by reason of the matters aforesaid, the inspector shall cause the conveyance note to be corrected in such manner as may be prescribed, or, as the case may be, shall do, or request the person in charge of the vehicle to do, all such things as are necessary to secure that the vehicle is marked, as required by this Act with a tare weight mark accurately indicating the tare weight of the vehicle, and that any other marks on the vehicle purporting to indicate its tare weight are removed or obliterated.

(3) If any person obstructs, or fails to comply with any request made by, an inspector in the discharge of his functions under this section, that person shall be guilty of an offence.

52 & 53 Vict. c. 21.

(4) Section twenty-six of the Weights and Measures Act, 1889 (which authorises the provision, and regulates the operation, by local authorities of weighing instruments for weighing coal), shall apply with respect to weighing instruments for weighing sand and ballast and with respect to vehicles carrying sand and ballast, as that section applies with respect to weighing instruments for weighing coal.

Penalties.

6.—(1) Every person who is convicted of an offence under this Act in respect of which no special penalty is thereby provided, or of an offence under the

Weights and Measures Acts, 1878 to 1926, of which he is guilty by virtue of this Act, shall be liable to a fine not exceeding five pounds or, upon a second or subsequent conviction of such an offence, to a fine not exceeding twenty pounds:

Provided that nothing in this subsection shall affect the amount of a fine which may be imposed by virtue of section thirty-two of the principal Act, as amended by this Act (which section provides for the punishment of persons forging or counterfeiting stamps used under that Act).

(2) Section four of the Weights and Measures Act, 1889, as amended by the Weights and Measures Act, 1904 (which section provides for imprisonment for a term not exceeding two months in the case of an offence committed with intent to defraud), shall apply in relation to an offence punishable under the preceding subsection, as it applies in relation to any other offence being an offence under the principal Act, except that the reference in that section to two months shall be construed as a reference to six months.

(3) Nothing in the Weights and Measures Acts, 1878 to 1926, as amended by this Act, shall render liable to forfeiture any railway truck or waggon or any receptacle forming part of a vehicle.

Laying of regulations before Parliament.

7. Any regulations made under this Act by the Board of Trade shall, as soon as may be after they are made, be laid before Parliament, and if either House of Parliament, within the next subsequent twenty-eight days on which that House has sat after any such regulations are laid before it, resolves that the regulations be annulled, they shall thenceforth be void, but without prejudice to anything previously done thereunder or to the making of new regulations.

Legal proceedings.

8.—(1) Sections fifty-six to sixty-one and sections seventy-two to seventy-five of the principal Act (which contain provisions as to legal proceedings in respect of offences under that Act), and sections fourteen and thirty-three of the Weights and Measures Act, 1889, (which respectively provide for the publication of convictions and for saving liabilities at common law), shall apply in relation to offences under this Act as they apply in relation to offences under either of those Acts.

16 & 17 Geo. 5. c. 63. (2) Nothing in section twelve of the Sale of Food (Weights and Measures) Act, 1926, shall apply in relation to any proceedings taken by virtue of this Act.

Duties of inspectors. **9.** The duties of an inspector under any of the provisions of this Act or any regulations made under this Act shall be deemed to be duties under the principal Act.

Expenses and combinations of local authorities. **10.** The expenses incurred for the purposes of this Act by a local authority shall be defrayed as expenses incurred by the local authority under the principal Act, and section fifty-two of the principal Act (which empowers local authorities to combine for all or any of the purposes of that Act) shall have effect as if the purposes of this Act were purposes of that Act.

Discharge of functions of Board of Trade. **11.** Anything required or authorised by or under the Weights and Measures Acts, 1878 to 1926, or this Act to be done by, to or before the Board of Trade, may be done by, to or before the President of the Board, any Secretary, Under Secretary or Assistant Secretary of the Board or any person authorised in that behalf by the President.

Interpretation. **12.** In this Act the following expressions have the meanings hereby assigned to them, that is to say:—

"ballast" means—

(*a*) gravel, shingle, ashes or clinker, or

(*b*) any material commonly known in the building and engineering trades as ballast, stone chippings, granite chippings or hard core of brick, stone, stone ware or concrete, or

(*c*) any similar material commonly known and used in the said trades as an aggregate for constructional work;

"cubic yard" means a volume equal to a cube each edge of which measures one yard;

"inspector" means an inspector of weights and measures appointed by the local authority under section forty-three of the principal Act;

"local authority" means a local authority for the purposes of the principal Act;

"prescribed" means prescribed by regulations made under this Act by the Board of Trade;

"the principal Act" means the Weights and Measures Act, 1878; 41 & 42 Vict. c. 49.

"stamp" and "stamping" have respectively the same meanings as in the principal Act and "stamped" and "re-stamped" shall be construed accordingly;

"vehicle" means any lorry, cart, waggon, truck or other means of conveying sand or ballast by land, however drawn or propelled, but does not include a railway truck or waggon;

"weighing instrument" has the meaning assigned to that expression by section thirty-five of the Weights and Measures Act, 1889.

Short title, citation, commencement and extent.

13.—(1) This Act may be cited as the Weights and Measures Act, 1936; and the Weights and Measures Acts, 1878 to 1926, and this Act may be cited together as the Weights and Measures Acts, 1878 to 1936.

(2) This Act shall come into operation on such day as the Board of Trade may by order appoint.

(3) This Act shall not extend to Scotland or to Northern Ireland.

CHAPTER 39.

An Act to amend the Firearms Act, 1920, and the Firearms Act, 1934, and in connection therewith to amend subsection (2) of section five of the Firearms and Imitation Firearms (Criminal Use) Act, 1933. [31st July 1936.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Amendments as to firearms certificates.

1.—(1) An application for the grant or renewal of a certificate under section one of the principal Act shall be made to the chief officer of police for the area in which the applicant resides in such form as may be prescribed by rules made under section fifteen of that Act, and shall state such particulars as may be required by the said form.

(2) Subject to the provisions of this Act and proviso (*b*) to subsection (2) of section one of the principal Act, there shall be payable on the grant of a certificate a fee of five shillings, and on the renewal of a certificate, or on any variation of a certificate which increases the number of firearms to which the certificate relates, or on the replacement of a certificate which has been lost or destroyed, a fee of two shillings and sixpence :

Provided that, where a certificate is varied as aforesaid and renewed or replaced at the same time, no fee shall be payable on the variation.

(3) No fee shall be payable on the grant, variation or renewal of a certificate if the chief officer of police is satisfied that the certificate relates solely to and, in the case of a variation, will continue when varied to relate solely to—

(*a*) a firearm or ammunition which the applicant requires as part of the equipment of a ship ; or

(*b*) a signalling apparatus, or ammunition therefor, which the applicant requires as part of the equipment of an aircraft or aerodrome ; or

(*c*) a slaughtering instrument, or ammunition therefor, which the applicant requires for the purpose of the slaughter of animals.

(4) No fee shall be payable on the grant or renewal of a certificate relating solely to a firearm which is shown to the satisfaction of the chief officer of police to be kept by the applicant as a trophy of a war, or on any variation of a certificate the sole effect of which is to add such a firearm as aforesaid to the firearms to which the certificate relates, if the certificate is granted, renewed or varied subject to the condition that the applicant shall not use the firearm.

(5) Every certificate shall specify, in addition to the matters mentioned in subsection (3) of section one of the principal Act, the conditions (if any) subject to which it is held, and the chief officer of police for the area in

which the holder resides may at any time by notice in writing vary those conditions, except such of them as may be prescribed, and may by the notice require the holder to deliver up the certificate to him within twenty-one days from the date of the notice for the purpose of amending the conditions specified therein, and if the holder fails to comply with that requirement the officer may revoke the certificate.

(6) No offence under section one of the principal Act shall be deemed to be committed—

(*a*) in the case of any person—

(i) by having in his possession a firearm or ammunition on board a ship, or a signalling apparatus or ammunition therefor on board an aircraft or at an aerodrome, as part of the equipment of the ship or aircraft or aerodrome; or

(ii) by removing a signalling apparatus or ammunition therefor, being part of the equipment of an aircraft, from one aircraft to another at an aerodrome, or from or to an aircraft at an aerodrome to or from a place appointed for the storage thereof in safe custody at that aerodrome, or by keeping any such apparatus or ammunition at such a place; or

(iii) if he has obtained from an officer of police a permit for the purpose in the prescribed form, by removing a firearm from or to a ship, or a signalling apparatus from or to an aircraft or aerodrome, to or from such place and for such purpose as may be specified in the permit; or

(*b*) in the case of a person licensed under section three of the Slaughter of Animals Act, 1933, by having in his possession a slaughtering instrument and ammunition therefor in any slaughter house or knacker's yard in which he is employed, or in the case of the proprietor of a slaughter house or knacker's yard, or a person appointed by him to take charge of slaughtering instruments and ammunition therefor for the purpose of storing them in safe

23 & 24 Geo. 5. c. 39.

custody at that slaughter house or knacker's yard, by having in his possession a slaughtering instrument or ammunition therefor for that purpose; or

(*c*) in the case of a person taking part in a theatrical performance or any rehearsal thereof, or in the production of a cinematograph film, by having in his possession a firearm during and for the purpose of the performance, rehearsal or production; or

(*d*) in the case of any person, by having in his possession a firearm at an athletic meeting for the purpose of starting races at that meeting; or

(*e*) in the case of a person who has obtained from the chief officer of police for the area in which he resides a permit for the purpose in the prescribed form, by having in his possession a firearm or ammunition in accordance with the terms of the permit.

(7) Paragraphs (*d*), (*h*) and (*j*) of the proviso to subsection (8) of section one of the principal Act, and the First Schedule to that Act, shall cease to have effect.

(8) Subsection (2) of section thirteen of the principal Act, and any dispensation thereunder granted before the commencement of this Act, shall cease to have effect at the expiration of three months from the commencement of this Act, and no such dispensation shall be granted after the commencement of this Act.

(9) In this section the expression "certificate" means a firearm certificate.

Application of s. 1 of principal Act to Crown servants.

2.—(1) Notwithstanding any rule of law whereunder the provisions of the principal Act do not bind the Crown, so much of section one of that Act as relates to the purchase, but not so much thereof as relates to the possession, of firearms and ammunition shall apply to persons in the service of His Majesty in their capacity as such, subject, however, to the following modifications:—

(*a*) a person in the service of His Majesty duly authorised in writing in that behalf may purchase firearms or ammunition for the public service without holding a firearm certificate:

(*b*) a person in the naval, military or air service of His Majesty shall, if he satisfies the chief officer of police on an application under the said section one that he is required to purchase a firearm or ammunition for his own use in his capacity as such, be entitled without payment of any fee to the grant of a firearm certificate authorising the purchase.

(2) Paragraphs (*a*) and (*f*) of the proviso to subsection (8) of section one of the principal Act shall cease to have effect.

(3) For the purposes of this section, and for the purpose of the application of any such rule of law as aforesaid to the provisions of the principal Act, a member of a police force shall be deemed to be a person in the service of His Majesty.

Entry of places of business on register of firearms dealers.

3.—(1) The prescribed particulars which a person applying to be registered in any area as a firearms dealer under subsection (1) of section eight of the principal Act is required to furnish shall include particulars of every place of business at which he proposes to carry on business within the area as a firearms dealer, and the chief officer of police for that area shall, subject as hereinafter provided, enter in the register every such place of business.

(2) Every person registered as a firearms dealer in any area (whether before or after the commencement of this Act), who proposes to carry on business as such at any place of business in that area which is not entered in the register, shall notify the chief officer of police for that area and furnish him with such particulars as may be prescribed, and the officer shall, subject as hereinafter provided, enter that place of business in the register.

(3) A chief officer of police, if he is satisfied that any place of business notified to him by any person under either of the last two foregoing subsections, or any place entered as the place of business of any person in the register of firearms dealers, is a place at which that person cannot be permitted to carry on business as a firearms dealer without danger to the public safety or to the peace,

may refuse to enter that place of business in the register, or remove it from the register, as the case may be.

(4) Any person aggrieved by any such refusal or removal may appeal, in accordance with so much of the provisions of the First Schedule to this Act as relates to appeals, to the court of quarter sessions having jurisdiction in the county, borough or place in which there is situated the place of business to which the appeal relates.

(5) If any registered firearms dealer has a place of business which is not entered on the register for the area in which that place is situated, and carries on business as a firearms dealer at that place, he shall for each offence be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds or to both such imprisonment and fine:

Provided that this subsection shall not apply to any person registered as a firearms dealer at the commencement of this Act until the expiration of three months from the commencement of this Act.

Further amendments as to registration of firearms dealers.

4.—(1) The fee payable under subsection (1) of section eight of the principal Act on registration as a firearms dealer in any area shall be five pounds instead of one pound:

Provided that no fee shall be payable if the chief officer of police for the area in which the applicant has applied to be registered is satisfied that the only place of business in respect of which the application is made—

(*a*) has become situated in that area by reason of an alteration in the boundary of the area and was previously entered in the register for another area; or

(*b*) is one to which the applicant proposes to transfer the business previously carried on by him at a place entered on the register for another area.

(2) On or before the first day of June in each year, every person for the time being registered as a firearms dealer in any area shall—

(*a*) surrender to the chief officer of police for that area his certificate of registration; and (*b*) apply in the prescribed form for a new certificate of registration; and

(*c*) pay a fee of one pound;

and thereupon that officer shall, subject to the provisions of subsection (3) of section eight of the principal Act (which empower a chief officer of police to remove the name of a dealer from the register), grant him a new certificate of registration.

(3) If any such person as aforesaid fails to comply with all or any of the requirements of the last foregoing subsection on or before the first day of June in any year, the chief officer of police shall by notice in writing require him to comply therewith, and if he fails to do so within twenty-one days from the date of the notice, or within such further time as that officer may in special circumstances allow, shall cause his name to be removed from the register.

(4) Notwithstanding anything in subsection (1) of section two of the principal Act, it shall be lawful for an auctioneer to sell by auction, expose for sale by auction, and have in his possession for sale by auction, a firearm or ammunition without being registered as a firearms dealer, if he has obtained from the chief officer of police for the area in which the auction is held a permit in the prescribed form for that purpose and complies with the terms of the permit; and nothing in subsection (6) of the said section two (which requires a register of transactions to be kept) shall apply to the sale of firearms or ammunition by auction in accordance with the terms of a permit issued under this subsection.

Appeals from chief officer of police in England.

5.—(1) Any appeal from a decision of a chief officer of police for an area in England under subsections (4), (5) or (6) of section one of the principal Act (which relate to the grant, variation, renewal and revocation of firearm certificates) or under subsection (4) of section eight of that Act (which relates to registration as a firearms dealer) shall, instead of lying to a court of summary jurisdiction in accordance with rules made by the Lord Chancellor, lie to quarter sessions in accordance with so much of the provisions of the First Schedule to this Act as relates to appeals.

(2) In this section the expression "quarter sessions" means the court of quarter sessions having jurisdiction—

(*a*) in the case of an appeal under the said section one, in the county, borough or place in which the appellant resides; or

(*b*) in the case of an appeal under the said section eight, in the county, borough or place in which there is situated any place of business in respect of which the appellant has applied to be, or (in the case of an appeal against removal from the register) has been, registered.

Miscellaneous offences in connection with firearm certificates, permits and register of firearms dealers.

6.—(1) If any person makes any statement which he knows to be false for the purpose of—

(*a*) procuring, whether for himself or any other person—

(i) the grant, variation or renewal of a firearm certificate; or

(ii) the grant of a permit under this Act; or

(iii) the entry of any place of business in a register of firearms dealers; or

(*b*) procuring the registration of himself or any other person as a firearms dealer;

he shall, for each offence, be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds, or to both such imprisonment and fine.

(2) In any case where—

(*a*) a firearm certificate is revoked, or is cancelled by the court under subsection (1) of section eleven of the principal Act; or

(*b*) the name of a firearms dealer is removed from the register,

the chief officer of police revoking the certificate or removing the name, or, in the case of a cancellation of a firearm certificate, the chief officer of police by whom the certificate was granted, shall by notice in writing require the holder of the firearm certificate to surrender it, or the firearms dealer to surrender his certificate of registration, as the case may be, and if the holder or firearms dealer fails to do so within twenty-one days from the date of the notice, he shall be liable on summary conviction to a fine not exceeding twenty pounds :

Provided that, where an appeal is brought against the revocation of a firearm certificate or the removal of a name from the register, this subsection shall not apply to that revocation or removal unless the appeal is abandoned or dismissed, and shall in that case have effect as if for the reference to the date of the notice there were substituted a reference to the date on which the appeal was abandoned or dismissed.

Amendments as to prohibited weapons and ammunition.

7.—(1) It shall not be lawful for any person without the authority of the Admiralty or the Army Council or the Air Council to manufacture, sell, purchase, or have in his possession any firearm which is so designed or adapted that, if pressure is applied to the trigger, missiles continue to be discharged until pressure is removed from the trigger or the magazine containing the missiles is empty; and in this Act and the principal Act the expression "prohibited weapon" shall include any such firearm as aforesaid.

(2) If any person contravenes the provisions of subsection (1) of this section, he shall be liable, on conviction on indictment, to imprisonment for a term not exceeding two years or, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds or to both such imprisonment and fine.

(3) Where the Admiralty, the Army Council, or the Air Council are satisfied, on the application of a person in charge of a theatrical performance, that such a firearm as aforesaid is required for the purposes of the performance, they may, if they think fit, not only authorise that person to have possession of the firearm but also authorise such other persons as he may select to have possession thereof while taking part in the performance.

In this subsection the expression "theatrical performance" includes a rehearsal of such a performance and the production of a cinematograph film.

(4) Any authority given to any person under section six of the principal Act or this section shall be given in

writing and shall be subject to such conditions as may be specified therein, and, if that person fails to comply with any such condition, he shall for each offence be liable on summary conviction to imprisonment for a term not exceeding three months or to a fine not exceeding twenty pounds or to both such imprisonment and fine.

(5) The conditions specified in an authority as aforesaid shall include such conditions as the Admiralty, the Army Council, or the Air Council, having regard to the circumstances of each particular case, think fit to impose for the purpose of securing that the prohibited weapon or prohibited ammunition to which the authority relates will not endanger the public safety or the peace.

(6) The Admiralty, the Army Council or the Air Council may at any time, if they think fit, revoke any authority given by them to any person as aforesaid, by notice in writing requiring that person to deliver up the authority to such person as may be specified in the notice within twenty-one days from the date of the notice, and if that person fails to comply with that requirement, he shall be liable on summary conviction to a fine not exceeding twenty pounds.

(7) The provisions of section six of the principal Act and the foregoing provisions of this section shall be in addition to and not in derogation of any other provisions of the said Act or any other Act relating to the manufacture, sale, purchase or possession of firearms, but a chief officer of police—

(*a*) shall not refuse to grant or renew, and shall not revoke, a firearm certificate in respect of a prohibited weapon or prohibited ammunition if the applicant is for the time being authorised by the Admiralty, the Army Council or the Air Council to have possession of that weapon or ammunition; or

(*b*) shall not refuse to enter in the register of firearms dealers the name of a person for the time being authorised as aforesaid to manufacture or sell a prohibited weapon or prohibited ammunition, or remove the name of such a person from the register, on the ground that he cannot be permitted to carry on, or to continue to carry on, business as a firearms dealer without danger to the public safety or to the peace;

and where any authority to purchase or have possession of a prohibited weapon or prohibited ammunition is revoked under this section, the firearm certificate relating to that weapon or ammunition shall be revoked or varied accordingly by the chief officer of police by whom it was granted.

Power to remove prohibition under s. 5 of the principal Act.

8.—(1) Any person prohibited under section five of the principal Act from having in his possession a firearm or ammunition may apply to the court of quarter sessions having jurisdiction in the county, borough or place in which he resides to remove the prohibition, and, if the application is granted, the said section five shall not apply to that person.

(2) Any such application shall be made in accordance with so much of the provisions of the First Schedule to this Act as relates to applications.

Provisions as to shortening guns and converting imitation firearms into firearms.

9.—(1) No person other than a registered firearms dealer shall shorten the barrel of a smooth bore gun to a length less than twenty inches.

(2) No person other than a registered firearms dealer shall convert into a firearm anything which, though having the appearance of being a firearm, is so constructed as to be incapable of discharging any missile through the barrel thereof.

(3) If any person contravenes any of the foregoing provisions of this section, he shall for each offence be liable, on conviction on indictment, to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred pounds or to both such imprisonment and fine, or, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding fifty pounds or to both such imprisonment and fine.

(4) If any person commits an offence under section one of the principal Act by purchasing or having in his possession a smooth bore gun which has been shortened, or a firearm which has been converted, as aforesaid

(whether by a registered firearms dealer or not), without holding a firearm certificate authorising him to purchase or possess it, he shall be liable, either—

(*a*) on conviction on indictment, to imprisonment for a term not exceeding one year or to a fine not exceeding one hundred pounds or to both such imprisonment and fine; or

(*b*) on summary conviction, to the penalty provided in subsection (8) of the said section one.

Time for commencing summary proceedings.

10. Notwithstanding any provision in any Act prescribing the period within which summary proceedings may be instituted, summary proceedings for an offence under the principal Act or this Act may be instituted at any time within the period of four years after the commission of the offence :

Provided that no such proceedings shall be instituted in England after the expiration of the period of six months after the commission of the offence, unless they are instituted by, or by the direction of, the Director of Public Prosecutions.

Service of notices.

11. Any notice required or authorised by this Act to be given to any person may be sent by registered post in a letter addressed to him at his last or usual place of abode, or, in the case of a registered firearms dealer, at any place of business in respect of which he is registered.

Minor amendments.

12. The provisions of the principal Act set out in the first column of the Second Schedule of this Act shall have effect subject to the amendments of minor detail set out in the second column of that schedule.

Provisions as to Scotland.

13.—(1) In the application of this Act to Scotland the following modifications shall be made:—

(*a*) for the reference to section three of the Slaughter of Animals Act, 1933, there shall be substituted a reference to section two of the Slaughter of Animals (Scotland) Act, 1928; 18 & 19 Geo. 5. c. 29.

(*b*) subsection (4) of section three shall not apply, but a person aggrieved by the refusal of a chief officer of police to enter a place of business on the register of firearms dealers or by the removal of a place of business from that register may appeal in accordance with Act of Sederunt to the sheriff within whose jurisdiction the place of business is situated;

(*c*) subsection (2) of section eight shall not apply, and an application under subsection (1) of that section shall be made in accordance with Act of Sederunt to the sheriff within whose jurisdiction the applicant resides, and not less than twenty-one days' notice of such an application shall be given to the chief officer of police for the area in which the applicant resides.

(2) In Scotland, a contravention of section one of the principal Act which, if it had been triable on indictment, could competently have been libelled as an additional or an alternative charge in an indictment charging a person with an offence involving any injury or attempted injury of, or any threat or intent to injure, any person or property by the use or attempted use of a firearm, may, notwithstanding the direction that it shall be prosecuted under the Summary Jurisdiction Acts, be so libelled and tried.

Provisions as to Northern Ireland.

14.—(1) The provisions of section two and section seven of this Act and of this section, and such of the provisions of this Act as amend section six and section nine of the principal Act, shall extend to Northern Ireland, subject to the modifications set out in the next following subsection, but save as aforesaid this Act shall not extend to Northern Ireland.

(2) In the application of the said provisions to Northern Ireland the following modifications shall be made:—

(*a*) references to the principal Act shall be construed as references to the Firearms Act, 1920, as applied to Northern Ireland by section eighteen thereof and as amended by the provisions of this Act which extend to Northern Ireland and by any enactment for the time being in force passed by the Parliament of Northern Ireland;

10 & 11 Geo. 5. c. 43.

(*b*) the expressions "chief officer of police," "firearm," "ammunition" and "firearm certificate" shall have the meanings assigned to them by the Firearms Act, 1920, as so applied and amended;

(*c*) the following subsection shall be substituted for subsection (2) of section two:—

"(2) Paragraph (*a*) of the proviso to subsection (8) of section one of the principal Act, except so far as it relates to persons in a police force, and paragraph (*f*) of that proviso shall cease to have effect";

(*d*) subsection (3) of section two shall not apply, and in that section the expression "persons in the service of His Majesty" shall not include persons employed in Irish services within the meaning of the Government of Ireland Act, 1920; 10 & 11 Geo. 5. c. 67.

(*e*) subsection (7) of section seven shall not apply.

Interpretation.

15.—(1) For the purposes of this Act the following expressions have, subject to the provisions of this section, the meanings hereby respectively assigned to them:—

"Ammunition" means ammunition for any firearm as hereafter defined in this subsection, and includes grenades, bombs and other like missiles whether capable of use with such a firearm or not, and prohibited ammunition;

"Area" means a police area as defined in section thirty of the Police Pensions Act, 1921; 11 & 12 Geo. 5. c. 31.

"Chief officer of police" has the meaning assigned to it by the said section thirty;

"Firearm" means any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged, and shall include any prohibited weapon, whether it is such a lethal weapon as aforesaid or not, any component part of any such lethal or prohibited weapon and any accessory to any such weapon designed or adapted to diminish the noise or flash caused by firing the weapon;

"The principal Act" means the Firearms Act, 1920, as amended by any subsequent enactment, including unless the context otherwise requires, this Act;

"Prohibited ammunition" means any such ammunition as is referred to in subsection (1) of section six of the principal Act;

"Slaughtering instrument" means a firearm which is specially designed or adapted for the instantaneous slaughter of animals or for the instantaneous stunning of animals with a view to slaughtering them.

(2) For the purposes of the principal Act the expressions "ammunition," "chief officer of police" and "firearm" shall, subject to the provisions of this section, have the meanings respectively assigned to them by the last foregoing subsection, and the expressions "district" and "police district" shall have the meaning assigned to the expression "area" by that subsection.

(3) Notwithstanding anything in the foregoing provisions of this section, a Secretary of State may make rules under section fifteen of the principal Act for enabling all or any of the functions of a chief officer of police to be discharged by deputy in the event of the illness or absence, or a vacancy in the office, of the chief officer of police.

(4) For the purpose of the provisions of sections one and two, subsection (1B) of section three and sections eight and ten of the principal Act, and for the purpose of any provision of this Act amending or extending any of the said provisions, the following weapons, and component parts thereof and accessories thereto, shall not be deemed to be firearms, namely,—

(*a*) a smooth bore gun having a barrel not less than twenty inches in length;

(*b*) an air gun, air rifle or air pistol not being of a type declared by rules made by the Secretary of State under section fifteen of the principal Act to be specially dangerous.

(5) For the purpose of the provisions mentioned in the last foregoing subsection, the following articles shall not be deemed to be ammunition, namely,—

(*a*) cartridges containing five or more shot none of which exceeds nine twenty-fifths of an inch in diameter;

(*b*) ammunition for an air gun or air rifle or air pistol;

(*c*) blank cartridges not exceeding one inch in diameter.

23 & 24 Geo. 5. c. 50.

(6) For the purpose of the Firearms and Imitation Firearms (Criminal Use) Act, 1933, the expression "firearm" shall mean any lethal barrelled weapon of any description from which any shot, bullet or other missile can be discharged, and shall include any prohibited weapon, whether it is such a lethal weapon as aforesaid or not, and the expression "imitation firearm" shall mean anything which has the appearance of being a firearm as defined in this subsection (other than such a prohibited weapon as is mentioned in subsection (1) of section six of the principal Act) whether it is capable of discharging any shot, bullet or other missile or not.

(7) For the purpose of this Act the length of the barrel of a firearm shall be measured from the muzzle to the point at which the charge is exploded on firing, and the diameter of a cartridge shall be measured immediately in front of the rim or cannelure of the base of the cartridge.

Short title, construction, repeal and commencement.

16.—(1) This Act may be cited as the Firearms (Amendment) Act, 1936.

(2) This Act, the principal Act, the Firearms and Imitation Firearms (Criminal Use) Act, 1933, and the Firearms Act, 1934, shall be construed as one, and those Acts and this Act may be cited together as the Firearms Acts, 1920 to 1936.

24 & 25 Geo. 5. c. 16.

(3) Subsection (2) of section five of the Firearms and Imitation Firearms (Criminal Use) Act, 1933, subsection (2) of section one of the Firearms Act, 1934, and the provisions of the principal Act set out in the Third Schedule to this Act are hereby repealed.

(4) This Act shall come into operation on the first day of May, nineteen hundred and thirty-seven.

SCHEDULES.

FIRST SCHEDULE.

Sections 3, 5 and 8.

PROVISIONS AS TO CERTAIN APPEALS AND APPLICATIONS.

1. Notice of an appeal or application, signed by the appellant or applicant or by his agent on his behalf and stating the general grounds of the appeal or application, shall be given by him to the clerk of the peace and also—

(*a*) in the case of an appeal, to the chief officer of police by whose decision the appellant is aggrieved, and

(*b*) in the case of an application, to the chief officer of police for the area in which the applicant resides.

2. A notice of an appeal shall be given within twenty-one days after the date on which the appellant has received notice of the decision of the chief officer of police by which he is aggrieved.

3. On receiving notice of an appeal or application, the clerk of the peace shall enter the appeal or application and give notice to the appellant or applicant, and to the chief officer of police to whom the notice of the appeal or application is required by paragraph 1 of this Schedule to be given, of the date, time, and place fixed for the hearing:

Provided that, in the case of an application, the date fixed for the hearing shall not be less than twenty-one clear days after the date when the clerk of the peace received the notice of the application.

4. The appellant or applicant may at any time, not less than two clear days before the date fixed for the hearing, abandon his appeal or application by giving notice in writing to the clerk of the peace and to the chief officer of police, and in the event of any such abandonment the court of quarter sessions may order the appellant or applicant to pay to the chief officer of police such costs as appear to them to be just and reasonable in respect of expenses properly incurred by him in connection with the appeal or application before notice of the abandonment was given to him.

5. The chief officer of police may appear and be heard on the hearing of the appeal or application.

6. The court of quarter sessions may from time to time adjourn the hearing of the appeal or application.

1st Sch. —*cont.*

7. On the hearing of an appeal the court may either dismiss the appeal or give the chief officer of police such directions as the court think fit as respects the certificate or register which is the subject of the appeal.

8. On the determination of the appeal or application the court may make such order as to payment of costs as the court think fit, and may fix a sum to be paid by way of costs in lieu of directing a taxation thereof, and any costs ordered to be paid by the court may be recovered summarily as a civil debt and shall not be recoverable in any other manner:

Provided that the court shall not order the chief officer of police to pay the costs of an applicant.

9. The powers and duties of the court of quarter sessions with respect to an appeal or application shall—

(*a*) in the case of quarter sessions for a county other than the County of London, be delegated to and exercised and performed by the appeal committee appointed under section seven of the Summary Jurisdiction (Appeals) Act, 1933; and

23 & 24 Geo. 5. c. 38.

(*b*) in the case of quarter sessions for the County of London, be exercised and performed by a court of quarter sessions constituted in accordance with section eight of the said Act;

and the said sections seven and eight, and the provisions of the Municipal Corporations Act, 1882, as amended by the said section seven, shall apply to the appeal or application accordingly as they apply to an appeal from a decision of a court of summary jurisdiction.

45 & 46 Vict. c. 50.

Section 12.

SECOND SCHEDULE.

Minor Amendments of principal Act.

Provision amended.	Amendment.
Section one	In subsection (1) for the words "have in his possession, use or carry" there shall be substituted the words "or have in his possession". In subsection (2) for the words "requiring such a certificate" there shall be substituted the words "purchasing or having

2nd Sch. —*cont.*

Provision amended.	Amendment.
Section one—*cont.*	" in his possession the firearm or ammuni-" tion in respect of which the application " is made " and for the words " have in his possession use and carry a firearm " there shall be substituted the words " have in his possession that firearm ". In proviso (*a*) to subsection (2) the words " using or carrying " shall be omitted. In proviso (*b*) to subsection (2) after the words " rifle club " there shall be inserted the words " miniature rifle club ", and after the words " granted to " there shall be inserted the words " or varied for ". In subsection (6) the words " using or carrying " shall be omitted. In subsection (8) for the words " has in his possession, uses or carries " there shall be substituted the words " or has in his possession " and for the word " granted " there shall be substituted the words " held by him ". In paragraph (*b*) of the proviso to subsection (8) for the words from " gunsmith " to " carrying " where it secondly occurs there shall be substituted the words " a firearms dealer and registered " under this Act as such, or any servant " of such a person, by purchasing or " having in his possession ". In paragraph (*c*) of the proviso to subsection (8) for the word " common " there shall be substituted the words " an auctioneer," after the word " warehouseman " there shall be inserted the words " or the servant of such a person," and the words " or carrying " shall be omitted. In paragraph (*e*) of the proviso to subsection (8) the words " using or carrying " shall be omitted. In paragraph (*i*) of the proviso to subsection (8) for the words " having in his possession, using or carrying " there shall be substituted the words " or having in his possession ".

2nd Sch.
—*cont.*

Provision amended.	Amendment.
Section two	The proviso to subsection (2) shall be omitted. In subsection (3) after the words "to any person" there shall be inserted the words "in the United Kingdom"; and for the proviso the following proviso shall be substituted:— "Provided that this subsection shall not prevent— (*a*) a person transferring or parting with the possession of a firearm or ammunition, otherwise than in pursuance of a contract of sale or hire or by way of gift or loan, to a person who shows that he is by virtue of this Act entitled to have possession of the firearm or ammunition without holding a certificate; or (*b*) the delivery of a firearm or ammunition by a carrier or warehouseman, or the servant of a carrier or warehouseman, in the ordinary course of his business or employment as such." In subsection (4) for the words "a permit to bring the firearm ashore for repair" there shall be substituted the words "shows that he is by virtue of this Act "entitled to have possession of the fire-"arm or ammunition without holding "such a certificate." Subsection (5) shall not apply to the transfer or parting with possession of a firearm or ammunition otherwise than in pursuance of a contract of sale or hire or by way of gift or loan, and in that subsection after the words "dealer shall" there shall be inserted the words "unless that person "shows that he is by virtue of this Act "entitled to purchase the firearm or "ammunition without holding a fire-"arm certificate."

Provision amended.	Amendment.
Section two—*cont.*	In subsection (7) after the word "purchasing" there shall be inserted the words "or procuring the repair, test or proof of", and after the words "false firearm certificate" there shall be inserted the words "or a firearm certificate in "which any false entry has been made, "or makes any false statement".
Section three -	For subsection (1B) the following subsection shall be substituted:— "(1B) A person under the age of fourteen years shall not accept as a gift or borrow a firearm or ammunition, or have in his possession a firearm or ammunition except in circumstances where he is entitled to have possession thereof without holding a firearm certificate by virtue of paragraph (*e*), (*g*) or (*i*) of subsection (8) of section one of this Act, and a person shall not give or lend a firearm or ammunition to another person whom he knows or has reasonable grounds for believing to be under the age of fourteen years, or transfer or part with the possession of a firearm or ammunition to such another person except in circumstances where that other person is entitled as aforesaid." In subsection (2) the words from "but no offence" to the end of the subsection shall be omitted.
Section five -	In subsection (1) the words "use or carry", where they secondly occur, and the words "using or carrying", shall be omitted.
Section six - -	In subsection (1) the word "carry" shall be omitted and after the word "designed" where it first occurs there shall be inserted the words "or adapted".
Section seven -	The words "or under his control" shall be omitted, and for the words from "be deemed" to the end of the section there shall be substituted the words "be guilty of felony and, on conviction

2nd Sch. —*cont.*

Provision amended.	Amendment.
Section seven—*cont.*	“thereof on indictment, shall be liable to penal servitude for a term not exceeding fourteen years.”
Section eight -	In subsection (1) after the word “having” there shall be inserted the words “or proposing to have”. For the proviso to subsection (5) the following proviso shall be substituted:— “Provided that a person aggrieved by an order made under this subsection may appeal against the order in the same manner as against the conviction, and the court may, if it thinks fit, pending the appeal, suspend the operation of the order.”
Section nine -	In subsection (4) after the words “contravention of” there shall be inserted the words “any of the provisions of an order made by a Secretary of State under this section or a failure to comply with”; and at the end of the section there shall be inserted the following subsection:— “(5) An order made by a Secretary of State under this section may be varied or revoked by a subsequent order made by a Secretary of State.”
Section ten - -	In subsection (1) the words “or to be using or carrying” and the words from “except” to “offence” shall be omitted. In subsection (2) for the words from “a person” to “having a certificate” there shall be substituted the words “entitled by virtue of this Act to have possession of the firearm or ammunition without having a firearm certificate.”
Section eleven -	In subsection (1) the words “or used or carried by him” shall be omitted.
Section twelve -	In subsection (2) after the word “accepting” there shall be inserted the words “as a gift”.
Section thirteen -	In subsection (1) for the word “bought” there shall be substituted the word “purchased.”

THIRD SCHEDULE.

Section 16.

Provisions of principal Act repealed.

In subsection (2) of section one the words "using or carrying".

In subsection (6) of section one, the words "using or carrying".

Subsection (7) of section one.

Proviso (*a*) to subsection (8) of section one; in proviso (*c*) to that subsection the words "or carrying"; proviso (*d*) to that subsection; in proviso (*e*) to that subsection the words "using or carrying"; and provisos (*f*), (*h*) and (*j*) to that subsection.

The proviso to subsection (2) of section two.

In subsection (2) of section three the words from "but no offence" to the end of the subsection.

In subsection (1) of section five the words "use or carry", where they secondly occur, and the words "using or carrying".

In subsection (1) of section six the word "carry".

In section seven the words "or under his control".

In subsection (1) of section ten the words "or to be using or carrying" and the words from "except" to "offence".

In subsection (1) of section eleven, the words "or used or carried by him".

In subsection (1) of section twelve the words from "The expression 'firearm'" to "for export", and the words from "The expression 'police district'" to "City Police".

In paragraph (3) of section seventeen the words "References to an appeal to quarter sessions shall not apply and".

Paragraph (5) of section seventeen.

The First Schedule.

CHAPTER 40.

An Act to amend the Midwives Acts, 1902 to 1926.
[31st July 1936.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present

Parliament assembled, and by the authority of the same, as follows:—

Provision of domiciliary service of midwives.

1.—(1) It shall be the duty of every local supervising authority within the meaning of the principal Act (in this Act referred to as an "authority") to secure, whether by making arrangements with welfare councils or voluntary organisations for the employment by those councils or organisations of certified midwives as whole time servants or by itself employing such midwives, that the number of certified midwives so employed who are available in its area for attendance on women in their own homes as midwives, or as maternity nurses during childbirth and from time to time thereafter during a period not less than the lying-in period, is adequate for the needs of the area.

In this subsection the expression "lying-in period" means the period defined as the lying-in period by any rule for the time being in force under section three of the principal Act.

(2) Within the period of six months from the commencement of this Act, or such longer period as the Minister may in any particular case allow, every authority shall submit to the Minister its proposals for carrying out its duties under this section, after consultation—

(*a*) in the case of every authority—

(i) with all the voluntary organisations which, to the knowledge of the authority, employ or are willing to employ domiciliary midwives in the area of the authority; and

(ii) with such local organisation (if any) of registered medical practitioners as appears to the authority effectively to represent the opinions of such practitioners practising in that area on the questions to be considered in formulating the proposals; and

(iii) with such local organisation (if any) of midwives as appears to the authority effectively to represent the opinions of midwives practising in that area on the questions aforesaid; and

(*b*) in the case of every authority being a county council, with every welfare council being the council of a county district within the county; and

(*c*) in the case of the London County Council, with any association or committee which appears to that council to be representative of the metropolitan borough councils:

Provided that where a voluntary organisation has been established for the purpose of co-ordinating the services provided by other organisations referred to in sub-paragraph (i) of paragraph (*a*) of this subsection the authority may consult the organisation so established instead of consulting those other organisations.

(3) The proposals submitted by an authority as aforesaid shall include particulars—

(*a*) of the arrangements (if any) proposed to be made between the authority and welfare councils and voluntary organisations; and

(*b*) of the number of midwives to be employed by, and the parts of the area of the authority to be served (whether exclusively or jointly) by, the authority, welfare councils and voluntary organisations respectively, or, if no such arrangements as aforesaid are proposed to be made, of the number of midwives to be employed by the authority.

(4) Every authority shall, not later than the date on which its proposals are submitted to the Minister as aforesaid, deliver a copy thereof to every council, organisation or other body which it has consulted in pursuance of subsection (2) of this section and to every such organisation as is referred to in sub-paragraph (i) of paragraph (*a*) of that subsection, whether it has been so consulted or not.

(5) If an authority does not propose to make an arrangement with a welfare council or voluntary organisation which employs domiciliary midwives in the area of the authority, or if any such council or organisation is dissatisfied with the arrangements proposed to be made—

(*a*) the council or organisation may, within two months after the proposals of the authority are submitted to the Minister, make representations to the Minister; and (*b*) the Minister, after considering any such representations and consulting the authority, may direct the authority to enter into such arrangements with such welfare councils or voluntary organisations as he thinks fit, or to vary any arrangements proposed to be made, and to alter its proposals accordingly.

(6) It shall be the duty of every authority to carry its proposals, as altered in accordance with any directions given by the Minister under the last foregoing subsection, into effect within the period of twelve months from the commencement of this Act, or such longer period as the Minister may in any particular case allow.

Appointment and terms of employment of midwives by authorities.

2.—(1) At least one month before first engaging midwives for employment in pursuance of this Act, an authority shall—

(*a*) give notice that applications for the employment are about to be considered, together with information as to the salary and other conditions of service, in one or more newspapers circulating in its area; and

(*b*) send a copy of the said notice to every midwife who, on or after the first day of January next but one before the date when the said notice was given, has given notice of intention to practise in the area.

(2) A midwife employed by an authority in pursuance of this Act shall be required to devote the whole of her time to the service of the authority.

(3) Where a midwife employed by an authority in pursuance of this Act—

(*a*) on ceasing to be so employed, is entitled to a pension under any enactment or any scheme made under or in pursuance of an enactment, or would be so entitled if she had then completed a sufficient period of service or made contributions to a superannuation fund for a sufficient period; and

(*b*) was first so employed by that or some other authority before the expiration of three years from the commencement of this Act and, immediately before being first so employed, was not employed by an authority or any other local authority, whether as a midwife or in any other capacity;

any period or periods (not exceeding in the aggregate ten years) during which she practised as a midwife before she was first so employed may, if and to the extent that the authority by which she ceases to be so employed thinks fit, be treated for the purpose of reckoning the amount of the pension, and also (if the case requires) for the purpose of ascertaining whether she is entitled to a pension, as a period of service during which she made contributions to the appropriate superannuation fund.

(4) The provisions of the last foregoing subsection shall have effect notwithstanding anything in the enactment or scheme by virtue of which the pension is payable.

(5) Where a pension or any part thereof is payable solely by reason of the exercise of the discretion conferred on an authority by this section, the pension or that part thereof, as the case may be, shall be paid, in the case of an authority being the council of a county, out of the county fund, and, in the case of any other authority, out of the general rate fund and shall, in the case of the London County Council, be paid as expenses for general county purposes.

(6) In this section the expression " pension " includes a superannuation allowance.

Fees for attendance of midwives employed by authorities.

3.—(1) It shall be the duty of every authority employing midwives in pursuance of this Act to fix a scale of fees payable for their attendance as midwives and a scale of fees payable for their attendance as maternity nurses, and to recover from any woman on whom such a midwife has attended as a midwife or maternity nurse, or from the husband or other person liable to maintain such a woman, the fees respectively fixed as aforesaid:

Provided that, if the authority is satisfied that the persons from whom the fees are recoverable cannot reasonably, having regard to their financial circumstances, be required to pay more than a part of the fees, or any part of the fees whatsoever, it may remit such part of the fees as those persons are in the opinion of the authority unable to pay, or the whole of the fees, as the case may be.

(2) Any fees recoverable under this section shall, without prejudice to any other remedy, be recoverable summarily as a civil debt.

Financial provisions. 19 & 20 Geo. 5. c. 17.

4.—(1) The following provisions of this section shall have effect with a view to fulfilling the intention of the Local Government Act, 1929, as declared by section one hundred and thirty-five thereof, namely, that in the event of material additional expenditure being imposed on any class of local authorities by reason of the institution of a new service after the commencement of that Act, provision should be made for increased contributions out of moneys provided by Parliament.

(2) In respect of each year in the third fixed grant period, a grant, calculated in accordance with the First Schedule to this Act, shall be paid out of moneys provided by Parliament to every authority on which additional expenditure is imposed by subsection (1) of section one of this Act in respect of that year.

(3) For the fourth and every subsequent fixed grant period, the General Exchequer Contribution shall include such increased contribution by reason of the additional expenditure imposed on authorities by the said subsection (1) as Parliament may hereafter determine.

(4) For the purpose of this section, expenditure imposed as aforesaid on an authority in respect of any year shall be deemed to be additional if, and to the extent that, it is estimated to exceed the expenditure incurred by that authority and any welfare councils in employing or providing for the employment of domiciliary midwives in the area of the authority in the financial year ended on the thirty-first day of March nineteen hundred and thirty-six.

(5) Any such estimate as aforesaid made for the purpose of subsection (2) of this section shall be made to the satisfaction of the Minister, in accordance with directions given by him after consultation with such associations of local authorities as appear to him to be concerned and with any local authority with which

consultation appears to him to be desirable, so, however, that the directions shall require the amount of the expenditure imposed as aforesaid on an authority by reason of its employment of midwives to be estimated by reference to the estimated average net annual cost incurred by authorities in employing a midwife in pursuance of this Act.

(6) In this section the expressions " fixed grant period " and " General Exchequer Contribution " have the same meanings as in the Local Government Act, 1929.

(7) For the purpose of section one hundred and four of the Local Government Act, 1929 (which empowers the Minister to reduce grants payable under Part VI of that Act to an authority which fails to maintain an efficient service), grants payable under this section shall be deemed to be payable under the said Part VI, and the functions of an authority under this Act shall be deemed to be functions relating to public health services.

(8) Grants payable under this section shall be payable at such times and in such manner as the Treasury may direct, and subject to such conditions as to records, certificates, audit or otherwise, as the Minister may, with the approval of the Treasury, impose.

Compensation to midwives ceasing or required to cease practice.

5.—(1) Every midwife who, on or after the first day of January nineteen hundred and thirty-five and before the eighteenth day of March nineteen hundred and thirty-six, has given notice to an authority of intention to practise and who, before the expiration of three years from the commencement of this Act, surrenders her certificate to the authority in whose area she is practising at the time of the surrender, shall be entitled to be paid by the last-mentioned authority by way of compensation a sum equal to three times the average net annual emoluments derived from her practice as a midwife or maternity nurse during whichever of the following periods is the shorter, that is to say :—

(*a*) the period of three years next before the date on which she surrendered her certificate; or

(*b*) the period during which she has practised as a midwife or maternity nurse :

Provided that, where at the date upon which she surrenders her certificate a midwife is practising in the area of more than one authority, the provisions of this subsection shall have effect subject to the modifications set out in Part I of the Second Schedule to this Act.

(2) If it appears to an authority that any midwife who, on or at any time after the first day of January, nineteen hundred and thirty-six, has given notice to that authority of intention to practise is incapable, by reason of age or infirmity of mind or body, of efficiently performing her duties as a midwife, the authority may, by a direction in writing given at any time before the expiration of three years from the commencement of this Act, require her to surrender her certificate to the authority, and thereupon the following provisions shall have effect :—

(*a*) the midwife may within one month from the date of the direction appeal to the Minister, who may allow or dismiss the appeal as he thinks fit;

(*b*) if the midwife does not appeal as aforesaid or if her appeal is dismissed, she shall surrender her certificate in accordance with the direction within one month from the date of the direction or from the date on which the appeal is dismissed, as the case may be, and, if she fails to do so, the authority shall report the matter to the Board, who shall thereupon remove her name from the roll of midwives;

(*c*) on surrendering her certificate to the authority the midwife shall be entitled to be paid by the authority by way of compensation a sum equal to five times the average net annual emoluments derived from her practice as a midwife or maternity nurse during whichever of the following periods is the shorter, that is to say :—

(i) the period of three years next before the date on which the direction was given by the authority; or

(ii) the period during which the midwife has practised as a midwife or maternity nurse.

(3) Where on or at any time after the first day of January, nineteen hundred and thirty-six, a midwife has given notice of intention to practise to two or more

authorities, the last foregoing subsection shall have effect subject to the modifications set out in Part II of the Second Schedule to this Act.

(4) If any midwife is aggrieved by the refusal of an authority to pay her compensation under this section or by the amount of the compensation paid, or by a decision of an authority under the next following subsection, she may appeal to the Minister, whose decision shall be final.

(5) The whole or any part of any sum payable by an authority to a midwife by way of compensation under this section may, if the authority decides that it is in the interest of the midwife so to do, instead of being paid in a lump sum, be laid out by the authority in the purchase of an annuity terminable on the midwife attaining the age of seventy or dying before attaining that age and payable to her at such intervals as the authority may determine.

(6) There shall be paid to every authority in respect of each financial year out of moneys provided by Parliament a sum equal to one-half of the aggregate amount paid to midwives, or laid out as aforesaid, by the authority in that year by way of compensation under this section.

(7) An authority shall forward any certificate surrendered to it under this section to the Board, and thereupon the Board shall cancel the certificate by endorsement thereon and return it so endorsed to the midwife to whom it relates and remove the name of that midwife from the roll of midwives.

(8) If any woman whose name has been removed from the roll of midwives under this section receives any remuneration for attending as a nurse on a woman in childbirth or at any time during the ten days immediately after childbirth, she shall be liable on summary conviction to a fine not exceeding ten pounds.

(9) Where the name of a midwife is removed from the roll of midwives under this section, her name shall not be restored to the roll.

Prohibition of unqualified persons acting as maternity

6.—(1) If, on or after the date on which this section is applied to the area of any authority or to any county district contained therein, any person, being a woman neither certified under the principal Act nor registered in the general part of the register of nurses

nurses for gain. required to be kept under the Nurses Registration Act, 1919, or a male person, receives any remuneration for attending in that area or district as a nurse on a woman in childbirth or at any time during the ten days immediately after childbirth, that person shall be liable on summary conviction to a fine not exceeding ten pounds:

9 & 10 Geo. 5. c. 94.

Provided that the provisions of this subsection shall not apply in the case of—

(*a*) any person who, while undergoing training with a view to becoming a duly qualified medical practitioner or a certified midwife, attends on a woman as aforesaid as part of a course of practical instruction in midwifery recognised by the General Medical Council or by the Board; or

(*b*) any person who attends on a woman as aforesaid in any nursing home which is registered under the Nursing Homes Registration Act, 1927, or exempt from the operation of that Act under section six thereof, or in any hospital or other premises or institution which is not included in the definition of the expression "nursing home" in subsection (1) of section ten of that Act by virtue of paragraphs (i), (ii), and (iii) thereof; or

17 & 18 Geo. 5. c. 38.

(*c*) a woman who, before the first day of January, nineteen hundred and thirty-seven, has been certified by the authorities of a hospital or other institution, to which the Minister has by order applied this proviso, to have been trained in obstetric nursing and who has given notice in writing to the authority of the area that she has been so certified.

(2) The Minister may by order apply this section to the area of any authority, or to any county district contained therein, when he is satisfied that that authority has secured in pursuance of this Act the provision of a service of domiciliary midwives which is adequate for the needs of the area or district.

(3) The provisions of this section shall be in addition to, and not in derogation of, the provisions of subsection (2) of section one of the principal Act.

7.—(1) The power of the Board to frame rules under section three of the principal Act shall include a power to frame rules requiring midwives to attend from time to time, in accordance with the provisions of the rules, a course of instruction approved by the Board.

Attendance of midwives at courses of instruction.

(2) Every authority shall provide or arrange for the provision of such courses of instruction for midwives practising in its area as may be necessary to enable those midwives to comply with the rules made under subsection (1) of this section.

8. Any document required or authorised by this Act to be sent, delivered or given to any person by an authority may be sent, delivered or given by registered post in a letter addressed—

Service of documents.

(*a*) in a case where that person is a midwife, to the address last notified by her to the authority;

(*b*) in a case where that person is a welfare council, to the clerk of that council at its offices;

(*c*) in a case where that person is a voluntary organisation, to the secretary or other officer of the organisation at the office of the organisation, or, if the organisation has no office, at his last known or usual place of abode.

9.—(1) The scale of fees payable to registered medical practitioners to be fixed by the Minister under subsection (1) of section fourteen of the Midwives Act, 1918, shall be fixed by regulations, and the power to fix the said scale shall include power to prescribe by the regulations conditions subject to which the fees are to be payable.

Miscellaneous amendments of Midwives Acts.
8 & 9 Geo. 5. c. 43.

(2) The Minister may make regulations prescribing the qualifications of persons appointed by an authority under section eight of the principal Act to exercise supervision over midwives practising within its area, and no person shall be so appointed whose qualifications are not in accordance with the regulations.

(3) Section five of the principal Act (which provides for the payment of a fee not exceeding one guinea by women presenting themselves for examination or certificate) shall be amended by inserting after the words " one guinea " the words " for each examination or certificate."

(4) The power of the Board to frame rules under section three of the principal Act shall include power to frame rules—

(*a*) regulating the grant by the Board of diplomas, being diplomas in the teaching of midwifery, to midwives presenting themselves for examination for such diplomas; and

(*b*) applying to proceedings before the Board for the removal of the name of a midwife from the roll of midwives, subject to any necessary modifications, the provisions of the Arbitration Act, 1889, relating to the summoning, attendance and examination of witnesses, the production of documents, the administration of oaths and the taking of affirmations.

52 & 53 Vict. c. 49.

(5) Any expenses incurred by an authority in taking such proceedings as aforesaid shall be defrayed in the same manner as the expenses of the authority under the principal Act.

Interpretation.

10. In this Act the following expressions have the meanings hereby respectively assigned to them:—

"the Board" means the Central Midwives Board;

"domiciliary midwife" means a midwife who is available for attendance on women in their own homes as a midwife or maternity nurse;

"the Minister" means the Minister of Health;

"notice of intention to practise" means a notice given by a midwife under section ten of the principal Act of her intention to practise as a midwife;

"the principal Act" means the Midwives Act, 1902, as amended by any subsequent enactment;

2 Edw. 7. c. 17.

"voluntary organisation" means an organisation which is substantially supported by voluntary contributions;

"welfare council" means a council, not being an authority within the meaning of this Act, which has established a maternity and child welfare committee under the Maternity and Child Welfare Act, 1918.

8 & 9 Geo. 5. c. 29.

11.—(1) This Act may be cited as the Midwives Act, 1936.

Short title, construction and extent.

(2) This Act shall be construed as one with the Midwives Acts, 1902 to 1926, and those Acts and this Act may be cited together as the Midwives Acts, 1902 to 1936.

(3) This Act shall not extend to Scotland or Northern Ireland.

SCHEDULES.

FIRST SCHEDULE.

Section 4.

Rules for calculating the amount of the grants payable to authorities.

1. The grant payable to an authority under subsection (2) of section four of this Act in respect of any financial year shall be calculated as follows:—

(*a*) the amount of the additional expenditure imposed on the authority in respect of that year by subsection (1) of section one of this Act, as estimated in accordance with the provisions of subsections (4) and (5) of the said section four shall be halved;

(*b*) in a case where the authority is the council of a county borough, the weighted population of the borough shall be divided by the estimated population of the borough;

(*c*) in a case where the authority is the council of a county or county district, the weighted population of the county constituting or containing the area of the authority shall be divided by the estimated population of that county;

(*d*) the aggregate weighted population of all the counties and county boroughs shall be divided by the aggregate estimated population of all the counties and county boroughs;

(*e*) the amount ascertained under sub-paragraph (*a*) of this paragraph shall be multiplied, in a case where the authority is the council of a county borough, by the

1st Sch. —*cont.*

amount ascertained under sub-paragraph (*b*) of this paragraph and in any other case by the amount ascertained under sub-paragraph (*c*) of this paragraph and shall in any case be divided by the amount ascertained under sub-paragraph (*d*) of this paragraph;

and the amount of the grant payable to the authority shall be the amount ascertained under sub-paragraph (*e*) of this paragraph calculated to the nearest pound.

2. In the last foregoing paragraph the expressions " weighted population " and " estimated population " mean respectively the weighted population and the estimated population as determined at the date of the commencement of this Act for the purpose of the apportionment of the General Exchequer Contribution under the Local Government Act, 1929.

Section 5.

SECOND SCHEDULE.

Part I.

MODIFICATIONS OF SUBSECTION (1) OF SECTION FIVE IN A CASE WHERE A MIDWIFE IS PRACTISING IN THE AREA OF MORE THAN ONE AUTHORITY.

1. The midwife may surrender her certificate to any one of the authorities in whose areas she is practising on the date of the surrender, and upon surrendering her certificate to any such authority she shall be entitled to be paid by that authority such compensation as is provided by the said subsection (1).

2. The authority by which the compensation is so paid shall be entitled to recover from any other such authority as aforesaid a sum equal to a proportionate amount of the compensation so paid calculated as hereafter provided.

3. The sum recoverable from such an authority as aforesaid shall be an amount bearing the same proportion to half the amount of the compensation paid to the midwife as the amount of the average net annual emoluments derived by the midwife from her practice as a midwife or maternity nurse in the area of that authority bears to the total of the amounts of the average net annual emoluments derived by the midwife from her practice in the areas of all the authorities in whose area she is practising on the said date.

4. For the purposes of the foregoing paragraph the average net annual emoluments derived by a midwife from her practice

as a midwife or maternity nurse in the area of any authority shall be calculated by reference to whichever of the following periods is the shorter, that is to say:— 2ND SCH. —*cont.*

(*a*) the period of three years next before the said date; or

(*b*) the period during which she has practised in the area of that authority.

5. In the event of any disagreement between any authorities as to the sum recoverable from an authority under the provisions of this Part of this Schedule, the question may be referred by any of the authorities concerned to the Minister and the decision of the Minister shall be final.

PART II.

MODIFICATIONS OF SUBSECTION (2) OF SECTION FIVE IN A CASE WHERE A MIDWIFE HAS GIVEN NOTICE OF INTENTION TO PRACTISE TO MORE THAN ONE AUTHORITY.

1. The direction mentioned in subsection (2) of section five may be given jointly by any two or more of the authorities to which the midwife on or at any time after the first day of January, nineteen hundred and thirty-six, has given notice of intention to practise, as well as by any one of those authorities.

2. Where the direction is given jointly by two or more of the said authorities—

(*a*) the direction shall require the midwife to surrender her certificate to such one of those authorities as may be specified in the direction; and

(*b*) the midwife shall be entitled, on surrendering her certificate to the authority so specified, to be paid by that authority such compensation as is provided by the said subsection; and

(*c*) the authority by which the compensation is paid to the midwife as aforesaid shall be entitled to recover from any other authority which joined in giving the direction a sum equal to such proportion of the compensation so paid as may be fixed by agreement between the authorities which gave the direction or, in default of such agreement, by the Minister.

CHAPTER 41.

An Act to amend the law with respect to the school leaving age, and attendance at school; to enable local education authorities to make grants to non-provided schools in certain cases, and to amend the law in relation to schools receiving such grants; to amend the law with respect to religious instruction in certain non-provided schools; to amend the law with respect to the age up to which certain provisions of Part II of the Children and Young Persons Act, 1933, have effect; and for purposes connected with the matters aforesaid.

[31st July 1936.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Provisions with respect to school attendance.

Compulsory school age to be raised to fifteen.

11 & 12 Geo. 5. c. 51.

1.—(1) Subject to the provisions of this Act, the age of fifteen shall be the age up to which byelaws under Part IV of the Education Act, 1921 (hereinafter called "the principal Act"), shall require parents to cause their children (unless there is some reasonable excuse) to attend school.

(2) The amendments set out in the First Schedule to this Act (being amendments consequential on the provisions of the last preceding subsection) shall be made in the enactments specified in that schedule.

(3) Any byelaw in force on the appointed day requiring the parents of children to cause them to attend school up to any age less than fifteen years shall have effect as if for that age there were substituted the age of fifteen, and any provision of a byelaw in force on the appointed day whereby any children between the ages of fourteen and fifteen may be exempted from attendance at school shall cease to have effect.

(4) This section shall not apply in the case of children born on or before the first day of September, nineteen hundred and twenty-five, and the principal Act and any byelaws made thereunder shall have effect with respect to those children as if this Act had not been passed.

Provisions with respect to employment certificates.

2.—(1) Byelaws relating to school attendance shall not apply to any child who has attained the age of fourteen and in respect of whom an employment certificate within the meaning of this section has been granted by the local education authority of the area in which the child resides (hereinafter called the issuing authority), and is for the time being in force.

(2) An employment certificate shall be granted to the intended employer of the child, if the issuing authority are satisfied that the parent of the child desires the employment for the child and are also satisfied, after consultation with the local committee for juvenile employment, if any, and after consideration of the health and physical condition of the child, that the employment will be beneficial to the child.

(3) Every employment certificate shall state the date from which it is to have effect, and that date, unless in any particular case owing to exceptional circumstances the issuing authority otherwise determine, shall not be a date falling in a school term.

(4) The issuing authority in determining whether any employment will be beneficial shall have regard as well to the prospective as to the immediate benefit to the child, and in particular to—

(*a*) the nature and probable duration of the employment, the wages to be paid, and the hours of work;

(*b*) the opportunities to be afforded to the child for further education;

(*c*) the time available to the child for recreation; and

(*d*) the value, in relation to the future career of the child, of any training or other advantages afforded by the employment;

and the determination of the authority shall be conclusive.

(5) The issuing authority shall, as a condition precedent to the grant of a certificate, require such undertakings from the employer as they think necessary—

(*a*) in connection with all or any of the matters mentioned in paragraphs (*a*), (*b*) and (*c*) of the last preceding subsection;

(*b*) for enabling the authority to satisfy themselves that the employment has not, by reason of any change in the conditions of the employment or for any other reasons, ceased to be beneficial to the child;

and shall specify in the certificate the terms of any undertaking so given.

(6) Before granting a certificate relating to employment in the area of another local education authority, the issuing authority shall, unless arrangements made between the two authorities otherwise provide, give notice to that other authority of their intention to grant the certificate, and if the other authority, within seven days of the receipt of the notice, notify the issuing authority that they would not themselves hold the employment to be beneficial for children residing in that area, or that the date from which the certificate is to have effect should be determined so as not to fall in a school term of that area, the certificate shall not be granted in relation to that employment in that area, or the said date shall be determined as aforesaid, as the case may be:

Provided that no parent or employer shall incur any liability by acting on the faith of an employment certificate granted by a local education authority by reason only that the certificate was granted in contravention of the provisions of this subsection, or in breach of any arrangements made with any other local education authority.

(7) Where the parent of a child attending a secondary or other school has made a contract with a local education authority or other body whereby he undertakes that the child shall continue to attend school until at least the age of fifteen years, no employment certificate shall be granted with respect to that child without the consent of that authority or body.

Employment certificates to cease to have effect in certain cases.

3.—(1) An employment certificate shall cease to have effect—

(*a*) if the child in respect of whom it was granted to the employer does not enter the employment of that employer within twenty-one days after the date stated in the certificate as the date from which the certificate is to have effect; or

(*b*) if and so soon as the child ceases to be employed by that employer.

(2) The issuing authority may, if any term of an undertaking given by an employer and specified in the certificate is not observed by the employer, or if it appears to them that a child in respect of whom a certificate has been given has failed to make use of opportunities for further education afforded to him in pursuance of such an undertaking, or that by reason of any change in the conditions of the employment or for any other reasons the employment has ceased to be beneficial to the child, give the employer notice in writing of their intention to cancel the certificate.

(3) A certificate shall, if the notice to cancel is not withdrawn, cease to have effect on the expiration of seven days from the date of the notice.

(4) The issuing authority shall give to the parent of any child in respect of whom a certificate is granted a copy of the certificate and of any notice given by the authority of their intention to cancel the certificate.

(5) Every employment certificate ceasing by virtue of the provisions of this section to have effect shall be forthwith returned by the employer to the issuing authority.

Supplemental provisions with respect to certificates ceasing to have effect.

4.—(1) Where an employment certificate has ceased to have effect, then—

(*a*) if the child in respect of whom it was granted attends with the consent of the local education authority a course of instruction approved by them (hereinafter called an alternative course) his attendance thereat shall, unless and until the consent is withdrawn, be deemed for the purposes of the principal Act to be attendance at school; and (*b*) the child shall for the purposes of the principal Act, and notwithstanding anything in section one hundred and seventy of that Act, be deemed to be a child so long as his parent continues to be required under or by virtue of this Act to cause him (unless there is some reasonable excuse) to attend school or to attend an alternative course.

25 & 26 Geo. 5. c. 8.

(2) A child attending an alternative course shall, for the purposes of section thirty-seven of the Unemployment Insurance Act, 1935 (which relates to increase of benefit in respect of dependent children), and notwithstanding anything in that section, be deemed to be under full-time instruction at a day school.

Power to permit withdrawal from school in certain cases.

5.—(1) Where the local education authority are satisfied that by reason of circumstances existing in the home of a child who has attained the age of fourteen years exceptional hardship would otherwise be caused, they may after consideration of the health and physical condition of the child give permission to the parent to withdraw the child from school upon such conditions as the authority think fit for the purpose of enabling the child to give assistance in the home, and that permission shall, unless and until the authority notify the parent that it is cancelled, be deemed to be a reasonable excuse for non-compliance with a byelaw requiring the parent to cause the child to attend school.

(2) Permission shall not be given under this section for the withdrawal of a child from school save for a period ending not later than the end of the school term then current or, if permission is given in the interval between two school terms, not later than the end of the next succeeding term:

Provided that nothing in this subsection shall prohibit a local education authority from renewing a permission, if they think fit to do so, and the provisions of this section shall apply to the renewal of a permission as they apply to the giving ot permission in the first instance.

Amendment of 23 & 24 Geo. 5. c. 12.

6. Sections eighteen and twenty-two of the Children and Young Persons Act, 1933 (which relate respectively to restrictions on the employment of children and on their taking part in entertainments) and any byelaws relating to the employment of children in force under or by virtue of that Act on the appointed day shall have effect with respect to any child, notwithstanding that he may have attained the age of fourteen, whose parent is required under or by virtue of this Act to cause him (unless there is some reasonable excuse) to attend school or to attend an alternative course.

Provisions with respect to byelaws made before the appointed day.

7. Byelaws made under Part IV of the principal Act before the appointed day may provide that sections two to six of this Act shall, from the date on which the byelaws come into operation, apply in the case of any child who has attained the age of fourteen and to whom the byelaws apply and, where such byelaws are made, exemption from the obligation to attend school shall not be granted to any child under subsection (3) of section forty-six of the principal Act:

Provided that the grant of a certificate relating to employment in the area of an authority other than the issuing authority shall not be subject to the provisions of subsection (6) of the said section two unless the said sections two to six have been applied in that area.

Provisions with respect to grants for non-provided schools.

Power of local education authority to make grants for enlarging, &c. non-provided schools.

8.—(1) Subject to the provisions of this Act, a local education authority shall have power, for the benefit of senior children, to enter into an agreement—

(*a*) with any person or persons duly authorised in that behalf by resolution of the managers of any public elementary school maintained but not provided by the authority, with respect to proposals for the enlargement or improvement of the school;

(*b*) with persons proposing to provide a new public elementary school for senior children, with respect to proposals for that purpose;

and may, subject to such terms and conditions as may be specified in the agreement, make a grant to those managers or persons.

(2) No proposals shall be entertained by a local education authority unless submitted to them, with such particulars as the authority may in the circumstances of

the case under consideration deem sufficient for the purposes of negotiation, before a date not less than eighteen months before the appointed day or before such later date, being not less than twelve months before the appointed day, as in any particular case they may allow:

Provided that, if the Board of Education are satisfied that any proposals entertained by a local education authority (whether or not an agreement has been entered into in respect of them) have become impracticable or undesirable owing to any decision made or action taken before the appointed day by any planning or housing authority, the Board may, notwithstanding anything in this subsection, allow new proposals to be entertained.

(3) A local education authority shall not enter into any such agreement as aforesaid, unless they are satisfied that the carrying out not later than one year after the appointed day of the proposals with respect to which the agreement is made—

(*a*) would provide increased accommodation for senior children rendered necessary by the raising of the school leaving age to fifteen years; or

(*b*) would give effect in relation to senior children to arrangements for improving the organisation of education in the area of the authority; or

(*c*) would provide accommodation required for practical or advanced instruction for senior children.

(4) A local education authority shall not enter into any such agreement as aforesaid with respect to the provision of a new public elementary school, unless in addition they satisfy the Board of Education—

(*a*) that the needs of the district can be more conveniently met by the proposed school than by the enlargement or improvement of any existing school not provided by the authority, being a public elementary school in which religious instruction is given of the same kind as that intended to be given in the proposed new school; or

(*b*) that the proposed school will be required wholly or mainly for senior children who before attaining the age of eleven years have attended, or will attend, an existing or future school not provided by the authority, being a public elementary school in which religious instruction is, or will be, given of the same kind as that intended to be given in the proposed new school.

For the purposes of this paragraph a school shall not be regarded as a "future school" unless its provision has been sanctioned by the Board of Education before the agreement is made.

(5) A grant made in pursuance of the powers conferred by this section shall be not less than one-half and not more than three-quarters of the amount determined in accordance with the provisions of the agreement to represent the cost of carrying out the proposals with respect to which the agreement is made, so far as that cost is attributable to provision for senior children:

Provided that no grant shall be made in respect of any part of the cost attributable to the provision, enlargement or improvement of a teacher's dwelling-house.

(6) Where a local education authority have agreed to make a grant under this section, and the cost of carrying out the proposals with respect to which the grant is made is attributable in whole or in part to the purchase of land, the authority shall have power themselves to purchase the land and to permit it to be used, and to convey it, or cause it to be conveyed, for the purpose of carrying out the proposals:

Provided that the land so purchased by the authority shall not be used or conveyed as aforesaid until, either by set-off against a payment on account of the grant or otherwise, all expenses of or incidental to the purchase have been repaid to the authority.

(7) An agreement made under this section shall not affect the duty of the managers, after the carrying out of the proposals with respect to which the agreement is

made, to discharge the obligations imposed on them by paragraph (*d*) of subsection (2) of section twenty-nine of the principal Act, relating to the repair, alteration and improvement of a school-house.

(8) Nothing in this section shall affect the provisions of subsection (1) of section eighteen of the principal Act relating to the provision of new schools.

(9) The enlargement of an existing public elementary school shall, notwithstanding anything in subsection (2) of the said section eighteen, not be treated for the purposes of this section as the provision of a new school.

Power to include certain provisions in agreements, &c.

9.—(1) An agreement made under the last preceding section may contain provisions with respect to the following matters, that is to say—

(*a*) the employment or continued employment to such an extent and in such posts as may be specified in the agreement of teachers fit and competent to give religious instruction in accordance with the provisions of paragraph (*c*) of subsection (5) of section twenty-nine of the principal Act (hereinafter called reserved teachers);

(*b*) the giving of religious instruction in the school in such manner as may be agreed in accordance with a syllabus in use in schools provided by the local education authority.

(2) The managers for the time being of a school in respect of which the local education authority have made a grant under this Act shall have the right to repay the grant to the authority at any time while the school is being carried on as a public elementary school not provided by the authority, and the agreement shall cease and determine so soon as the grant has been repaid in full.

(3) The terms of any agreement may from time to time be varied by mutual consent of the authority and of the managers for the time being, but not so as to include any provisions which could not lawfully have been included in the original agreement.

Provisions with respect to schools to which grants are made.

10.—(1) Where a grant is made by a local education authority under this Act in respect of any school, the following provisions shall apply to the school, unless and until the grant so made is repaid in full to the authority, that is to say:—

(*a*) all teachers therein shall be in the employment and under the control of the local education authority, but without prejudice to the provisions of paragraph (*c*) of subsection (5) of section twenty-nine of the principal Act as respects any reserved teachers;

(*b*) the authority shall have the exclusive power of appointing teachers, but before appointing any reserved teacher they shall consult the managers, and, unless the managers are satisfied as to the teacher's fitness and competence to give religious instruction in accordance with the provisions of paragraph (*c*) of the said subsection (5), the authority, notwithstanding the provisions of paragraph (*a*) of that subsection, shall not appoint him to be a reserved teacher;

(*c*) the authority shall have the exclusive power of dismissing teachers, but, if the managers are of opinion that any reserved teacher has failed to give religious instruction as aforesaid efficiently and suitably, they may request the authority to remove him from employment as a reserved teacher in the school;

(*d*) if any dispute arises between the authority and the managers with respect to the appointment or removal of a reserved teacher, the matter shall unless the parties to the dispute otherwise agree be determined in accordance with the provisions of the Second Schedule to this Act, and those provisions shall have effect accordingly;

(*e*) if at any time the managers are unable or unwilling to carry on the school as a public elementary school, the Board of Education may make such orders in accordance with the provisions of the Third Schedule to this Act as they may consider necessary for the purpose of securing that the school is so carried on, and the provisions of that schedule shall have effect with respect to such orders and with respect to orders for compulsory purchase.

(2) The provisions of the last preceding subsection shall have effect from the date of the first payment by the local education authority on account of the grant.

Compensation for teachers in certain cases, &c.

11.—(1) A teacher in a public elementary school, appointed to his office at a time when the school was not subject to an agreement made under the provisions of this Act, who—

(*a*) loses his office by reason of his dismissal by the local education authority under the last preceding section in circumstances in which he would not have been dismissed by the managers; or

(*b*) by reason of the last preceding section or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by diminution or loss of fees, salary or emoluments,

shall, if provision is not made by any other enactment for the time being in force for his compensation for that loss, be entitled to compensation under this Act, and the provisions of the Fourth Schedule to the Local Government Act, 1933, shall, with the modifications set out in the Fourth Schedule to this Act, apply to the determination and payment of that compensation.

23 & 24 Geo. 5. c. 51.

(2) Any compensation payable under the last preceding subsection shall be payable as part of the expenses incurred by the local education authority for the purposes of elementary education, and the payment of a lump sum by way of compensation shall be a purpose for which the authority may borrow.

(3) A teacher in a public elementary school, other than a reserved teacher, appointed to his office at a time when the school is subject to an agreement made under the provisions of this Act, shall not without the consent of the local education authority after the termination of the

agreement be dismissed from his office on grounds connected with the giving of religious instruction in the school unless the managers allow him compensation for the loss of his office upon such terms and with such security as may be agreed or as may, in default of agreement, be approved by the Board of Education, but so that the Board shall not approve terms which in their opinion are less favourable to the teacher than they would have been if determined under subsection (1) of this section.

Provisions with respect to religious instruction in certain schools and with respect to withdrawal from attendance at school during periods of religious instruction.

Provisions with respect to religious instruction in non-provided schools.

12.—(1) Where a public elementary school maintained but not provided by the local education authority is attended by children whose parents—

(*a*) desire them to receive religious instruction in accordance with a syllabus in use in schools provided by the authority; and

(*b*) cannot with reasonable convenience cause them to attend a school provided by a local education authority;

such instruction shall be given in the school, on the days of the week and during the times which are specified for the purpose in the time-table of the school, to the children whose parents desire them to receive it, unless any special circumstances make this requirement unreasonable.

(2) If the managers are unwilling to make reasonable arrangements for the giving of such instruction, the authority shall make reasonable arrangements for it to be given in the school under the control of the authority, but save as aforesaid nothing in this section shall affect the provisions of paragraph (*c*) of subsection (5) of section twenty-nine of the principal Act.

(3) If any question arises under this section between the authority and the managers, that question shall, in default of agreement, be referred to the Board of Education, and any directions given by the Board on such a reference shall have effect until they are withdrawn.

Provisions with respect to withdrawal from school during periods of religious instruction.

13. Where the local education authority are satisfied that a public elementary school maintained by the authority, whether provided or not provided by them, is attended by children whose parents—

(*a*) desire them to receive religious instruction of a kind which is not given in the school; and

(*b*) cannot with reasonable convenience cause them to attend a public elementary school in which such instruction is given;

any child attending the school may, notwithstanding any byelaw relating to school attendance, be withdrawn from the school during any time allotted in the time-table of the school to religious observance or instruction, if his parent so desires and if the local education authority are satisfied that arrangements have been made for him to attend religious observance or instruction elsewhere.

General.

Provision of money by Parliament.

14. Any sums by which any education grants payable under any Act are increased by reason of expenditure incurred under this Act by local education authorities on or in connection with grants for non-provided schools (being grants for the purposes of the education of senior children) or on or in connection with compensation to teachers at non-provided schools for which grants are so made by such authorities shall be defrayed out of moneys provided by Parliament.

Interpretation.

15.—(1) In this Act, unless the context otherwise requires—

"Appointed day" means the first day of September, nineteen hundred and thirty-nine;

"Enlargement or improvement" includes the provision of additional or substituted land or buildings whether within or without the curtilage of the school;

"Local committee for juvenile employment" means, in relation to any child, a local advisory committee for juvenile employment in the area where the child resides, established by the Minister of Labour or constituted under any scheme approved by him under section eighty-one of the Unemployment Insurance Act, 1935;

"School" includes a separate department of a school;

"Senior children" means children who have attained the age of eleven years.

(2) For the purposes of the Unemployment Insurance Act, 1935, a child, in respect of whom an employment certificate has been granted under this Act, shall as from the date from which the certificate has effect, and notwithstanding that it may thereafter cease to have effect, be deemed to have attained the minimum age for entry into insurance.

(3) Nothing in this Act affects the provisions of Part V of the principal Act relating to the education of blind, deaf, defective and epileptic children.

Short title, commencement, construction and extent

16.—(1) This Act may be cited as the Education Act, 1936, and this Act and the Education Acts, 1921 to 1933, may be cited together as the Education Acts, 1921 to 1936.

(2) Sections one to six of, and the First Schedule to, this Act shall not come into force until the appointed day:

Provided that nothing in this subsection affects the power conferred by section seven of this Act to apply sections two to six of this Act for the purposes of certain byelaws.

(3) Except where the context otherwise requires, references in this Act to the principal Act or to any provision thereof shall be construed as references to that Act or provision as amended by any subsequent enactment, including this Act, and this Act shall be construed as one with the principal Act.

(4) This Act shall not extend to Scotland or Northern Ireland.

SCHEDULES.

Sections 1(2), 6 (2).

FIRST SCHEDULE.

Enactments to be amended.

Education Act, 1921.

Section 20 - -	For the word "fourteen" there shall be substituted the word "fifteen".
Section 46 - -	In subsection (2), for the words "such age not "being less than fourteen nor more than "fifteen as may be fixed by the byelaws" there shall be substituted the words "the age of fifteen years"; and subsection (3) shall be omitted.

13 & 14 Geo. 5. c. 38.

Education (Institution Children) Act, 1923.

Section 1 - -	In subsection (4) for the word "fourteen" there shall be substituted the word "fifteen".

Section 10 (1) (*d*).

SECOND SCHEDULE.

Provisions for determination of Disputes.

1. Any dispute arising between the local education authority and the managers of a public elementary school with respect to the appointment or removal of a reserved teacher shall, unless the parties to the dispute otherwise agree, be determined by an impartial person appointed for the purpose by the Board of Education.

2. The person so appointed—

(*a*) shall give the parties to the dispute and, if he or either of the parties thinks it expedient, the teacher with respect to whose appointment or removal the dispute has arisen, a full opportunity of appearing before him either in person, or by their representatives, but, save as aforesaid, may conduct the proceedings in such manner as he in his discretion may think fit;

(*b*) shall transmit his decision in writing to the Board, and shall furnish a copy thereof to the parties to the dispute.

3. The local education authority and (according to the circumstances of the case) the bishop of the diocese or such other person or body as the Board may nominate for the purpose may each appoint an assessor to sit with the person appointed as aforesaid by the Board, but the assessors shall take no part in the determination of the dispute.

2nd Sch. —*cont.*

4. The Board may, if, having regard to the decision of the person appointed to determine the dispute, it appears to them reasonable that such an order should be made, order the whole or any part of the costs of the inquiry to be paid by one or other of the parties, or by both parties in such proportions as the Board may direct.

5. Any such order as is mentioned in the last preceding paragraph shall certify the amount to be paid by the party or parties by whom it is ordered to be paid, and the amount so certified shall, without prejudice to the recovery thereof as a debt due to the Crown, be recoverable by the Board summarily as a civil debt from the party or parties by whom it is ordered to be paid.

THIRD SCHEDULE.

Section 10 (1) (*e*).

Provisions for securing the continuance as Public Elementary Schools of Schools assisted by Grants under this Act.

1. An order made by the Board of Education under paragraph (*e*) of subsection (1) of section ten of this Act may direct—

(*a*) that subsection (2) of section forty of the principal Act shall apply to the school as if the managers had at the date of the order given eighteen months' notice to the local education authority of their intention to close the school in accordance with subsection (1) of that section;

(*b*) that an arrangement for transferring the school to the local education authority in so far as may, in the opinion of the Board, be necessary for securing that it is carried on as a public elementary school shall be made under section thirty-eight of the principal Act.

2. If at the expiration of six months from the date of any such order requiring the transfer of the school the requirements of the order have not been complied with, the Board of Education may by order transfer to the local education authority any property, rights or interests in the school which might have been

3rd Sch. —*cont.* transferred to them by or in pursuance of such an arrangement as aforesaid, if all consents and assents required by Part I of the Fourth Schedule to the principal Act had been given to the arrangement:

Provided that no order made under this paragraph shall—

(*a*) interfere with any right given to any person by the trusts of a school to use the school for any particular purpose independently of the managers, except with the consent of that person;

(*b*) affect any teacher's dwelling-house.

3. Any order made in accordance with the provisions of section one hundred and eleven of, and the Fifth Schedule to, the principal Act, or of the Public Works Facilities Act, 1930, authorising a local education authority to purchase compulsorily any estate or interest in the school-house which cannot be tranferred to them under the foregoing provisions of this Schedule shall provide that any compensation payable by the authority in respect of the estate or interest shall be reduced by the amount, if any, by which the value thereof is estimated by the arbitrator to have been increased by any grant made under this Act.

20 & 21 Geo. 5. c. 50.

Section 11 (1).

FOURTH SCHEDULE.

MODIFICATIONS OF THE FOURTH SCHEDULE TO THE LOCAL GOVERNMENT ACT, 1933, AS APPLIED BY THIS ACT.

The Fourth Schedule to the Local Government Act, 1933, shall, in its application to the determination and payment of compensation under this Act, have effect subject to the following modifications, that is to say:—

1. References to a scheme or order shall be construed as references to this Act; references to a local authority shall be construed as references to a local education authority; and references to the Minister of Health shall be construed as references to the Board of Education.

2. In sub-paragraph (1) of paragraph 1, after the word "prescribed" there shall be inserted the words "by the Board of Education."

CHAPTER 42.

An Act to amend the provisions of the Education (Scotland) Acts, 1872 to 1933, with regard to the age up to which parents are required to provide efficient education for their children and in other respects; and to amend the provisions of Part IV of the Children and Young Persons (Scotland) Act, 1932, with regard to the age up to which those provisions have effect and with regard to the employment of children in entertainments.

[31st July 1936.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Part I.

Extension of School Age.

Commencement and amendment of s. 14 of Act of 1918.

1.—(1) Section fourteen of the Act of 1918 (which continues the obligation on every parent to provide efficient education for his children until they respectively attain the age of fifteen) shall, notwithstanding anything contained in section thirty-three of the said Act, come into operation on the first day of September, nineteen hundred and thirty-nine, subject, however, to the following amendment, namely, in subsection (1) the word "fourteen" shall be substituted for the word "thirteen" in both places where that word occurs.

(2) Nothing in subsection (1) of section fourteen of the Act of 1918 as amended by the foregoing subsection shall apply—

(*a*) to any child born on or before the first day of September, nineteen hundred and twenty-five; or

(*b*) to any child in respect of whom an employment certificate granted under section two of this Act is in force.

Part I. —*cont.*

Grant of employment certificates.

2.—(1) An employment certificate shall be granted by the education authority in duplicate to the intended employer and to the parent of a child who has attained the age of fourteen and who resides in the area of the authority, if the authority are satisfied that the parent of the child desires the employment for the child and are also satisfied after consultation with the local committee for juvenile employment, if any, and after consideration by the medical officer of the health and physical condition of the child with reference to the occupation proposed that the employment will be beneficial to the child.

(2) Every employment certificate shall state the date from which it is to have effect, and that date, unless in any particular case the education authority otherwise determine, shall be a date prescribed by the authority in pursuance of section seven of the Act of 1908 for terminating school attendance.

(3) The education authority in determining whether any employment will be beneficial shall take into consideration the prospective as well as the immediate benefit to the child, and shall have regard to—

(*a*) the nature and probable duration of the employment, the wages to be paid, and the hours of work;

(*b*) the opportunities to be afforded to the child for further education; and

(*c*) the time available to the child for recreation;

and the determination of the authority shall be conclusive.

(4) The provisions of section nine of the Act of 1908 shall apply to the granting of employment certificates in like manner as those provisions apply to the granting of exemption from the obligation to attend school.

(5) The education authority shall where practicable require an undertaking from an employer in connection with all or any of the matters mentioned in paragraphs (*a*), (*b*) and (*c*) of subsection (3) of this section as a condition precedent to the grant of an employment certificate, and shall also require such undertakings from the employer as they think necessary for enabling them to satisfy themselves that the employment has not, by reason of any change in the conditions thereof or for any other reason, ceased to be beneficial to the child, and shall

specify in the certificate the terms of any undertaking so given.

(6) If an employer to whom an employment certificate has been granted refuses or neglects to carry out the terms of any undertaking given by him and specified in the certificate, he shall be liable, on conviction by a court of summary jurisdiction, to a fine not exceeding forty shillings, or, in the case of a second or subsequent conviction, not exceeding five pounds.

(7) Where an education authority propose to grant an employment certificate relating to employment in the area of another education authority, the first mentioned authority shall, unless arrangements made between the two authorities otherwise provide, give notice to that other authority of their intention to grant the certificate, and if that other authority, within seven days from the receipt of the notice, notify the first mentioned authority that they would not themselves hold the employment to be beneficial for children residing in their area, or that the date from which the certificate is to have effect should be one of the dates prescribed by the authority for terminating school attendance in that area, the certificate shall not be granted or shall, if granted, be expressed to have effect from one of the said dates, as the case may be:

Provided that no parent or employer shall incur any liability by acting on the faith of an employment certificate granted by an education authority by reason only that the certificate was granted in contravention of the provisions of this subsection, or in breach of any arrangements made with any other education authority.

Provisions with respect to employment certificates ceasing to have effect.

3.—(1) An employment certificate shall cease to have effect—

(*a*) if the child in respect of whom it was granted does not enter the service of the employer named in the certificate within twenty-one days after the date stated therein as the date from which the certificate is to have effect; or

(*b*) if and as soon as the child ceases to be employed by that employer.

(2) The education authority may give to an employer to whom an employment certificate has been

PART I. —*cont.*

granted notice in writing of their intention to cancel the certificate in any case where—

(*a*) any term of an undertaking given by the employer and specified in the certificate is not observed by him; or

(*b*) it appears to the authority that the child in respect of whom the certificate was granted has failed to make use of any opportunities for further education afforded to him in pursuance of such undertaking or to comply with any condition on which the certificate was granted; or

(*c*) the authority are satisfied that, by reason of any change in the conditions of employment or for any other reason, the employment has ceased to be beneficial to the child.

(3) An employment certificate shall, if the notice to cancel is not withdrawn, cease to have effect on the expiration of seven days from the date of the notice.

(4) Where an employment certificate has ceased to have effect, then if the child in respect of whom it was granted attends with the consent of the education authority a course of instruction approved by the authority, he shall, unless and until the consent is withdrawn, be deemed, for the purposes of the Education (Scotland) Acts, 1872 to 1936, to be receiving efficient education and, for the purposes of section thirty-seven of the Unemployment Insurance Act, 1935, to be under full-time instruction at a day school.

25 & 26 Geo. 5. c. 8.

(5) Every employment certificate ceasing by virtue of the provisions of this section to have effect shall be forthwith returned to the education authority by whom it was granted.

(6) The education authority shall give to the parent of any child in respect of whom an employment certificate is granted a copy of any notice given by the authority of their intention to cancel the certificate.

Limitation of power of exemption under Act of 1901.

4.—(1) Notwithstanding anything in the Act of 1901, an education authority shall not, after the thirty-first day of August, nineteen hundred and thirty-nine, grant under that Act exemption to any child from the obligation to attend school unless the exemption is granted for the purpose of enabling the child to give assistance at home and the authority are satisfied that by reason of any circumstances existing at his home it would cause exceptional hardship to require the child to attend school.

(2) Any such exemption as aforesaid, if granted during the currency of the school term, shall be for a period ending not later than the end of that term, and, if granted between two school terms, shall be for a period ending not later than the end of the ensuing term:

Provided that nothing in this subsection shall prohibit an education authority from renewing an exemption if they think fit to do so, and the provisions of this section shall apply to any such renewal in like manner as they apply to the original grant of such exemption.

Application of Part IV of Children and Young Persons (Scotland) Act, 1932, to children between 14 and 15.
22 & 23 Geo. 5. c. 47.

5.—(1) In Part IV of the Children and Young Persons (Scotland) Act, 1932, the expression " child " shall, as from the first day of September, nineteen hundred and thirty-nine, mean a person under fifteen years of age and accordingly section fifty-four of the said Act shall be amended by the substitution for the words " such day as the Scottish Education Department may appoint " of the words " the first day of September, nineteen hundred and thirty-nine " :

Provided that—

(i) the provisions of subsection (3) of section forty-three of the aforesaid Act as to the hour after which a child may not be employed shall not apply to employment in entertainments, in accordance with a licence granted under section fifty of that Act, of a child who has attained the age of fourteen years; and

(ii) the provisions of sections forty-three, forty-four, and forty-nine of the said Act shall not apply to a child who has attained the age of fourteen and in respect of whom an employment certificate granted under section two of this Act is in force.

(2) Nothing in the foregoing subsection shall apply to any child born on or before the first day of September, nineteen hundred and twenty-five.

PART II.

AMENDMENT OF THE EDUCATION (SCOTLAND) ACTS.

Extension of Act of 1890 to deaf children.

6.—(1) The Act of 1890 shall be extended so as to apply to deaf children in like manner as it applies to deaf-mute children and accordingly the word " deaf " shall be substituted for the word " deaf-mute " or for the expression " a deaf-mute " wherever occurring in that Act.

(2) For section three of the Act of 1890 there shall be substituted the following section :—

> " 3.—(1) It shall be the duty of the education authority of the area in which the parent of a blind or deaf child between three and eighteen years of age resides to provide for the efficient education of such child either in a school belonging to such education authority or in some other school or institution approved by the Scottish Education Department, and where necessary for the boarding of the child at some place approved by the education authority and for the conveyance of the child to and from such school or institution or place.
>
> (2) An education authority shall be entitled to recover from the parent of any child for whose boarding provision has been made in pursuance of this section the expense thereby incurred or, if the authority are satisfied that the parent is unable to pay the whole of such expense, such part thereof, if any, as he is, in the opinion of the authority, able to pay."

Amendment of Act of 1906.

7. For sections one and two of the Act of 1906, the following sections shall be respectively substituted :—

> " 1. It shall be the duty of an education authority to make special provision to the satisfaction of the Scottish Education Department for the education, either in schools or otherwise, and, where necessary, for the conveyance to and from school, of mentally or physically defective children between five and sixteen years of age within their area.
>
> 2. In this Act—
>
> ' Mentally defective children ' means children who, not being imbecile, and not

being merely dull or backward, are, by reason of mental defect, incapable of receiving proper benefit from the instruction in the ordinary schools; and

'Physically defective children' means children who by reason of physical defect or ill-health are unable to attend ordinary schools or are incapable of receiving proper benefit from the instruction in the ordinary schools."

Amendment of Act of 1908, s. 3.

8. Section three of the Act of 1908 (which relates to additional general powers of education authorities) shall be amended by the addition, after paragraph (7), of the following paragraphs:—

"(8) In providing, for children attending school, vacation schools, vacation classes, play-centres, or other means of recreation during their holidays or at such other times as the education authority may prescribe:

Provided that in any exercise of powers under this paragraph the education authority may encourage and assist the establishment or continuance of voluntary agencies or associations, and associate with themselves representatives of such agencies or associations.

(9) In making arrangements with the approval of the Department to supply or maintain, or aid the supply or maintenance of, holiday or school camps for children attending school or young persons attending continuation classes."

Amendment of Act of 1908, s. 5.

9. For section five of the Act of 1908 the following section shall be substituted:—

"5. It shall be lawful for an education authority which makes special provision for the education of physically or mentally defective or blind or deaf children to require the parent of any such child to provide efficient education for him from the time when he attains the age of five years until the close of the school session in which he attains the age of sixteen years."

Repeal of subsection (2) of s. 24 of Act of 1908.

10. Subsection (2) of section twenty-four of the Act of 1908 (which section relates to borrowing powers) is hereby repealed.

Part II. —*cont.*

Amendment of Act of 1908, s. 34.

11. Section thirty-four of the Act of 1908 shall be amended by the omission of the definitions of "intermediate school" and "secondary school" and the insertion after the definition of "the Department" of the following paragraph:—

> "The expression 'secondary education' means instruction approved by the Department in such subjects as may from time to time be recognised by them as suitable for pupils who have reached the stage recognised in accordance with the regulations of the Department for the time being in force as marking the conclusion of the primary course."

Amendment of Act of 1918, s. 4.

12. Section four of the Act of 1918 (which enables education authorities to facilitate attendance at certain educational institutions) shall be amended by the substitution (*a*) in subsection (1) of the words "where the "Department so approve, continuation classes or other "educational institutions" for the words "any other "educational institution approved for the purpose by the "Department." and (*b*) in subsection (2) of the words "approved by the Department" for the words "as in this Act provided."

Contribution in respect of non-resident students attending continuation classes.

13.—(1) Where continuation classes provided by the education authority in any education area are attended by persons resident outwith that area, there shall be paid in each year to that authority out of the education fund of the education area in which any such persons are so resident either a sum equal to the cost of the instruction of such persons in those classes (including in such cost repayment of and interest on loans for capital expenditure) after deduction of income from all sources of income other than education rate or such other sum as may be agreed upon by the education authorities concerned:

Provided that no payment shall be made under this section out of the education fund of any education area in respect of any person for whom it is shown, to the satisfaction of the Department, that suitable instruction is available in accessible continuation classes within that area, regard being had to all the circumstances.

(2) Subsection (12) of section fifteen of the Act of 1918 is hereby repealed.

Part II. —*cont.*

Dismissal of teachers in day and demonstration schools.

14. Section twenty-one of the Act of 1908 and section twenty-four of the Act of 1918 (which sections relate to dismissal of teachers) shall apply in like manner as they apply to an education authority and certificated teachers in their service to—

(*a*) the governing body (other than an education authority) of any day school as defined in section thirty-four of the Act of 1908, and the certificated teachers employed therein; and

(*b*) the provincial committee for the training of teachers managing any demonstration school and the certificated teachers employed therein.

Returns of registrars of births, deaths and marriages to education authorities.

15.—(1) Every registrar of births, deaths, and marriages shall make to an education authority such returns of particulars with regard to the births and deaths of children registered by him as may be required by the authority with the approval of the Registrar General of Births, Deaths, and Marriages in Scotland.

(2) The education authority by whom any return is required under the foregoing subsection shall provide the form on which it is to be made and shall pay to the registrar (*a*) such fee as may be agreed upon between them not exceeding twopence for every birth or death included in the return; and (*b*) the cost of transmission thereof by post.

Minor and consequential amendments.

16. The amendments specified in the third column of the Schedule to this Act, being amendments of a minor or consequential nature, shall be made in the enactments specified in the first and second columns of that Schedule.

Part III.

Interpretation, &c.

Interpretation.

17.—(1) In this Act—

"Act of 1890" means the Education of Blind and Deaf-Mute Children (Scotland) Act, 1890; 53 & 54 Vict. c. 43.

"Act of 1901" means the Education (Scotland) Act, 1901; 1 Edw. 7. c. 11.

"Act of 1906" means the Education of Defective Children (Scotland) Act, 1906; 6 Edw. 7. c. 10.

"Act of 1908" means the Education (Scotland) Act, 1908; 8 Edw. 7. c. 63.

"Act of 1918" means the Education (Scotland) Act, 1918; 8 & 9 Geo. 5. c. 48.

Part III. —*cont.*

"Deaf" means too deaf to be taught in a class of hearing children in a public school;

"Local committee for juvenile employment" means, in relation to any child, a local advisory committee for juvenile employment in the area where the child resides, established by the Minister of Labour, or any special advisory committee so established as aforesaid.

(2) For the purposes of the Unemployment Insurance Act, 1935, a child in respect of whom an employment certificate has been granted under this Act shall, as from the date from which the certificate has effect and notwithstanding that it may thereafter cease to have effect, be deemed to have attained the minimum age for entry into insurance.

(3) Unless the context otherwise requires, any reference in this Act to any enactment shall be construed as a reference to that enactment as amended by any subsequent Act including this Act.

Citation and construction.

18. This Act may be cited as the Education (Scotland) Act, 1936, and the Education (Scotland) Acts, 1872 to 1933, and this Act shall be construed as one and may be cited together as the Education (Scotland) Acts, 1872 to 1936.

Section 16.

SCHEDULE.

Amendment of Certain Enactments.

Session and Chapter.	Short Title.	Nature of Amendment.
35 & 36 Vict. c. 42.	The Education (Scotland) Act, 1872.	In section thirty, after the words "inspectors of schools" there shall be inserted the words "or "by any other person appointed "by the Scottish Education "Department for the purpose." In section sixty-six, after the word "inspectors" there shall be inserted the words "or of any "other person appointed by the

Session and Chapter.	Short Title.	Nature of Amendment.
35 & 36 Vict. c. 42—*cont.*	The Education (Scotland) Act, 1872—*cont.*	"Scottish Education Department for the purpose," and after the words "such inspector" there shall be inserted the words "or person."
41 & 42 Vict. c. 79.	The Education (Scotland) Act, 1878.	In section nineteen, the words "providing a course of secondary education extending over at least three years" shall be substituted for the words "in which the education given does not consist chiefly of elementary instruction in reading, writing, and arithmetic, but of instruction in Latin, Greek, modern languages, mathematics, natural science, and generally in the higher branches of knowledge" and the words "course of secondary education provided" shall be substituted for the words "higher branches of knowledge taught."
53 & 54 Vict. c. 43.	The Education of Blind and Deaf - Mute Children (Scotland) Act, 1890.	In section eight, after the words "inspectors of schools" there shall be added the words "or of any other person appointed by the Scottish Education Department for the purpose."
8 Edw. 7. c. 63.	The Education (Scotland) Act, 1908.	In section three, as amended by section five of the Education (Scotland) Act, 1925, in paragraph (4) the words "mentally or physically" shall be substituted for the words "epileptic or crippled or". In section sixteen, in paragraph (*a*) of subsection (1) the words "schools providing courses of secondary education extending over at least three years" shall be substituted for the words "secondary and intermediate schools." In section twenty, the words "a school providing a course of secondary education extending over at least three years" shall be substituted for the words "an intermediate or secondary

Session and Chapter.	Short Title.	Nature of Amendment.
8 Edw. 7. c. 63 —*cont.*	The Education (Scotland) Act, 1908—*cont.*	school " and the words " such schools " shall be substituted for the words " intermediate or secondary schools." In section twenty-six, the words " school providing a course of " secondary education extending " over at least five years " shall be substituted for the words " secondary school within the meaning of this Act." In section twenty-nine, in subsection (1), the words " any school " providing a course of secondary " education extending over at " least three years " shall be substituted for the words " any " intermediate or secondary " school "; and the words " a " school providing a course of " secondary education extending " over at least three years " shall be substituted for the words " an intermediate or secondary school " wherever they occur. In section thirty-four, the words " grants to " occurring in paragraph (*b*) of the definition of the expression " day school " and the definition of the expression " state-aided school " shall be omitted.
8 & 9 Geo. 5. c. 48.	The Education (Scotland) Act, 1918.	In section three of the Education (Scotland) Act, 1918, as amended by section three of the Education (Scotland) Act, 1925, in paragraph (*e*) of subsection (2) the words " schools providing a " course of secondary education " extending over three years or " longer," shall be substituted for the words " intermediate or secondary schools." In section four, in subsection (1) the words " a course of secondary " education extending over three " years or longer " shall be substituted for the words " an " intermediate or secondary " school."

Session and Chapter.	Short Title.	Nature of Amendment.
8 & 9 Geo. 5. c. 48—*cont.*	The Education (Scotland) Act, 1918—*cont.*	In section six, in paragraph (*a*) of subsection (1), the word "intermediate" shall be omitted. In section nine, in subsection (2) the words "recognised as a "school providing a course of "secondary education extending "over at least three years or at "least five years as the case may "be" shall be substituted for the words "so recognised." In section ten, after the words "so resident" there shall be inserted the word "either," and after the words "and from fees" there shall be inserted the words "or "such other sum as may be "agreed upon by the education "authorities or by the govern-"ing body and the education "authority as the case may be." In section fourteen, in subsection (3), the words "first day of Sep-"tember nineteen hundred and "thirty-nine" shall be substituted for the words "appointed day" in both places where those words occur. In section fifteen, in paragraph (i) of subsection (6) the word "fifteen" shall be substituted for the word "fourteen," in paragraph (ii) of the said subsection the words "school or a school "recognised as providing a "course of secondary education "extending over at least three "years" shall be substituted for the words "intermediate or secondary school," and in paragraph (iii) of the said subsection the words "school provid-"ing a course of secondary "education extending over at "least five years" shall be substituted for the words "intermediate or secondary school," and the words "a course of "secondary education extend-"ing over at least five years" shall

Session and Chapter.	Short Title.	Nature of Amendment.
8 & 9 Geo. 5. c. 48—*cont.*	The Education (Scotland) Act, 1918—*cont.*	be substituted for the words " the post-intermediate course " wherever they occur. In section fifteen, in subsection (15) after the words " attend school " there shall be inserted the words " or in respect of whom an " employment certificate granted " under the Education (Scotland) " Act, 1936, is in force." In section seventeen for the words from " who has not " to " attend school " there shall be substituted the words " other than a " child or young person in " respect of whom an employ- " ment certificate granted under " the Education (Scotland) Act, " 1936, is in force." In the Third Schedule, for paragraph 3 the following paragraph shall be substituted— " 3. Where the education authority is a county council or a joint county council a committee shall be reconstituted after each fresh election of the council, as at such date as they may appoint, being not less than one month or more than two months after such election, and shall remain in office until the next reconstitution, or until the coming into force of a revised or modified scheme, whichever of these events shall first occur. Where the education authority is the town council of a burgh being a county of a city, the committee shall be reconstituted at such intervals as the Department may appoint."